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SITTING DAYS—2014

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<th>Month</th>
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<tbody>
<tr>
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<td>11, 12, 13</td>
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<td>May</td>
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<tr>
<td>June</td>
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<tr>
<td>July</td>
<td>7, 8, 9, 10, 14, 15, 16, 17</td>
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<td>August</td>
<td>26, 27, 28</td>
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<td>October</td>
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<td>November</td>
<td>24, 25, 26, 27</td>
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<tr>
<td>December</td>
<td>1, 2, 3, 4</td>
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- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—SECOND PERIOD

Governor-General
Her Excellency the Hon. Quentin Bryce AC, CVO

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop,
Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner,
Alexander McEachian Gallacher, Scott Ludlam, Gavin Mark Marshall,
Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and
Peter Stuart Whish-Wilson
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

Senate Party Leaders and Whips
Leader of the Liberal Party in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party in the Senate—Senator Hon. George Henry Brandis QC
Leader of The Nationals in the Senate—Senator Hon. Nigel Scullion
Deputy Leader of The Nationals in the Senate—Senator Hon. Fiona Nash
Leader of the Australian Labor Party—Senator the Hon Penny Wong
Deputy Leader of the Australian Labor Party—Senator the Hon Stephen Conroy
Leader of the Australian Greens—Senator Christine Anne Milne
Chief Government Whip—Senator Helen Kroger
Deputy Government Whips—Senators Christopher John Back and David Christopher Bushby
Chief Opposition Whip—Senator Anne McEwen
Deputy Opposition Whips—Senators Catryna Louise Bilyk and Anne Elizabeth Urquhart
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<tr>
<td>Back, Christopher John</td>
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<td>Bilyk, Catryna Louise</td>
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<tr>
<td>Birmingham, Simon John</td>
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<tr>
<td>Bishop, Thomas Mark</td>
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<td>Boswell, Hon. Ronald Leslie Doyle</td>
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<td>Boyce, Suzanne Kay</td>
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<td>Brown, Carol Louise</td>
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<td>Carr, Hon. Kim John</td>
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<td>Cash, Michaelia Clare</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<td>Collins, Jacinta Mary Ann</td>
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<td>Dastyari, Sam (3)</td>
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<td>Fierravanti- Wells, Concetta Anna</td>
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<td>Macdonald, Hon. Ian Douglas</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tr>
<td>Australian Capital Territory</td>
<td>Scullion, Hon. Nigel Gregory</td>
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<td>Singh, Hon. Lisa Maria</td>
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<td>Thorp, Lin Estelle (3)</td>
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<td>Tillern, Mehmet (4)</td>
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<td>Turpin, Anne Elizabeth</td>
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<td>Urquhart, Anne Elizabeth</td>
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<td>Waters, Larissa Joy</td>
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<td>Williams, John Reginald</td>
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<td>Whish-Wilson, Peter Stuart  (4)</td>
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<td>Wong, Hon. Penelope Ying Yen</td>
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<td>Northern Territory</td>
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<td></td>
<td>Xenophon, Nicholas</td>
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</table>

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

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

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

(4) Chosen by the Parliament of the Northern Territory to fill a casual vacancy (vice R. Carr, resigned 24.10.13), pursuant to section 15 of the Constitution.

PARTY ABBREVIATIONS


Heads of Parliamentary Departments

Clerk of the Senate—R Laing
Clerk of the House of Representatives—D Elder
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
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</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Michael Keenan MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Steven Ciobo MP</td>
</tr>
<tr>
<td><strong>Minister for Agriculture</strong></td>
<td>The Hon Barnaby Joyce MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Agriculture</strong></td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Minister for Education</strong></td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>(Leader of the House)</td>
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<tr>
<td><strong>Assistant Minister for Education</strong></td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Education</strong></td>
<td>Senator the Hon Scott Ryan</td>
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<tr>
<td><strong>Minister for Industry</strong></td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Industry</strong></td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td><strong>Minister for Social Services</strong></td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
<td><strong>Assistant Minister for Social Services</strong></td>
<td>Senator the Hon Mitch Fifield</td>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
<td>Senator the Hon Marise Payne</td>
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<tr>
<td><strong>Minister for Human Services</strong></td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Social Services</strong></td>
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<tr>
<td><strong>Minister for Communications</strong></td>
<td>The Hon Malcolm Turnbull MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Communications</strong></td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td><strong>Minister for Sport</strong></td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td><strong>Assistant Minister for Health</strong></td>
<td>Senator the Hon Fiona Nash</td>
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### Title

<table>
<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon David Johnston</td>
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<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td><strong>Minister Assisting the Prime Minister for the Centenary of ANZAC</strong></td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Defence</strong></td>
<td>The Hon Darren Chester MP</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for the Environment</strong></td>
<td>Senator the Hon Simon Birmingham</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Minister for Finance</strong></td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Michael McCormack MP</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
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<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
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<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
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<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
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Tuesday, 4 March 2014

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

DOCUMENTS

Tabling

The PRESIDENT (12:31): For the information of senators I present a letter from the Prime Minister, Mr Abbott, in respect of the proposed arrangements for the Western Australian half-Senate election.

BILLS

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013
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Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013
Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013
Clean Energy (Income Tax Rates and Other Amendments) Bill 2013

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.
to which the following amendment was moved:
At the end of the motion, add:
but the Senate:
(a) rejects this bill and the related bills;
(b) recognises that:
(i) the world is on track for 4 degrees of warming; and
(ii) warming of less than 1 degree is already intensifying extreme weather events in Australia and around the world with enormous costs to life and property;
(c) calls on the government to:
(i) protect the Australian people and environment from climate change by approving no new coal mines or extensions of existing mines, or new coal export terminals; and
(ii) adopt a trajectory of 40-60% below 2000 levels by 2030 and net carbon zero by 2050 emissions reduction target in global negotiations for a 2015 treaty.
In my concluding remarks yesterday on why the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 should not be passed, I was sharing with my colleagues some of the very moving comments I have received from people who have a very clear understanding of how important the carbon tax is and why we need to retain it and build with real carbon action. I just want to share a few more of those comments. Lynnette Oakley is one of the more than 6,000 people who signed just one of the petitions calling for these bills to be retained. Interestingly, she spoke of her concerns about the people of Kiribati. She said: 'I have been visiting the nation of Kiribati on the equator for 10 years. Over that time there have been very noticeable changes.' She went on to detail how disturbing she found the impacts that climate change is having on people.

Noela Kelman came to one of the recent rallies about the importance of these bills. She said:

The future of my children and grandchildren and the wellbeing of all future generations are in our hands—such responsibility must be shouldered and fought for. I have recycled, reduced, reused for decades but much more is needed.

And someone many of my colleagues would know very warmly is Gosta Lynga. He is now living in Canberra. He is a former Swedish parliamentarian who historically was part of the introduction of a carbon tax in his native city over 12 years ago. He said:

I have been able to follow the effect in Sweden on the use of less polluting fuels, on the move towards more sustainable energy … and consequently on the decrease in atmospheric pollution due to carbon dioxide from Swedish sources. This has been encouraging.

I have also seen how ever more countries around the world are taking their share of responsibility for what is a global problem with possibly devastating consequences. There can no longer be any doubt that the observed increase of carbon dioxide in the atmosphere is causing dangerous global warming and that the increase is caused by human pollution sources.

Based on these facts I am sad that the Australian government is now contemplating backwards steps.

And that sums up so many of the comments that my offices receive and that people raise with me formally and informally. People are very distressed about what this government is doing. They understand how important urgent climate change action is. They also know that renewable energy is industrially and commercially viable, that we need a government with courage, with the political will to work with communities across this country on the transition to a clean future that we so urgently need.

Senator WILLIAMS (New South Wales) (12:34): I rise to make my contribution to this debate on the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 and related bills. Senator Rhiannon just referred to courage. Why didn't your alliance partners, before the 2010 election, have the courage to say that if they won the election they would introduce a carbon tax, instead of saying, 'We will not introduce a carbon tax'? The Australian people were quite clear, when they voted on 7 September last year, that if the coalition were elected to government the carbon tax would be removed.

Let me make a few points. I find it amazing that a debate that started in the final sitting weeks of 2013 could still be going on here today in 2014, well into March. But the government has been prepared to let Labor and the Greens continue filibustering to delay the inevitable. I have heard some amazing contributions over these weeks, but I would like to quote a section of Senator Ludlam's speech. This is quite amazing. He said:
People like Jon Moylan and others are stepping up to stop the Maules Creek coalmine and protect the Leard State Forest in New South Wales.

I have a question: is this the same Jon Moylan who is facing criminal charges over the fake ANZ bank press release? Is it the same Jon Moylan whose actions temporarily wiped $300 million off Whitehaven's market capitalisation?

Well, Mr Jon Moylan will soon have his day in court. ASIC, to its credit—and I have thrown plenty of criticism at ASIC before today—and I have quite rightly points out that a hoax could have significant market impact, but the fact that mum and dad investors could have lost money does not faze Senator Ludlam—or of course the Greens as a whole. So here is Senator Ludlam giving Mr Moylan a pat on the back—and even Senator Rhiannon tweeted her congratulations at the time. It proves again that, when you are engaged in civil disobedience, the Greens will be there cheering you on.

Senator Whish-Wilson: What did I say, Whacka?

Senator WILLIAMS: I don't know what you said, Senator Whish-Wilson.

The DEPUTY PRESIDENT: Order! Senators, no speaking across the chamber.

Senator WILLIAMS: Senator Wright referred to the drought package announced last week by Prime Minister Abbott and the Minister for Agriculture, Mr Barnaby Joyce. Sure, it has been dry in many parts of Australia—and of course the Greens start wringing their hands and scream 'climate change'—but there have been droughts every decade and climate change was not even thought or talked of. We can go back to the big drought of 1895 to 1907.

Let's get back to the debate and look at what business says about the carbon tax—to August 2013, in Fernvale Queensland and the business Zanow Sand and Gravel. Manager Brad Zanow said overheads had risen by $15,000 a month and that the carbon tax had led to an increase in electricity bills as well as the cost of oil, cement powder and air-conditioning gas. Mr Zanow said the business had shed five of its 58 staff. In December 2012 Grain Products Australia, based in Tamworth—I visited this factory in recent times, prior to this—went into administration citing increased electricity charges as one of the reasons it was in financial trouble. The $1.2 million increase in energy costs was blamed on network charges, environmental issues and—you guessed it—the carbon tax.

In February 2014 Virgin Australia boss John Borghetti said the best thing the government and Labor could do for airlines would be to scrap the carbon tax. Virgin Australia suffered an $83 million loss to the end of December last year and Mr Borghetti said the carbon tax has cost the airline industry hundreds of millions of dollars. These figures are thrown around—the carbon tax cost Qantas $106 million last year and Virgin Airlines more than $50 million. Isn't it amazing that, when the previous government and their strange alliance brought this tax in, they put it on the airlines in Australia but not those that fly internationally?

I want to make another point. Out in most large rural areas we have crop dusters—small airplanes for spreading fertilizer and often chemical spraying for weeds in crops. I was speaking to a gentleman just recently who owns a crop-dusting business. The carbon tax component of the fuel for his airplanes has cost him $60,000. Here are graziers, spreading fertilizer to encourage growth in our natural pastures and improved pastures, and when they grow they actually absorb CO2, they carry more stock and they grow more food to feed
people in Australia and around the world. But this crazy tax we are trying to abolish is taxing this crop-dusting company $60,000 a year. Of course a grazier says, 'Well, I'll budget $30,000 for the spreading of fertilizer this year'—so he or she will spend the $30,000. Because there are higher spreading costs for the fuel for those aircraft, they actually spread less fertilizer.

Tourism Accommodation Australia estimates the cost of the carbon tax on the sector would be $115 million in the first year alone. Macquarie Generation, in the Hunter Valley, which operates the Liddell and Bayswater power stations—I am sure many would be well aware of those generators—had a carbon tax bill to 30 June last year that was a massive $460 million. And what did they do? They just passed it on to the consumer.

This is the broadest, largest price on carbon in the world. Here we are trying to compete in the world markets, with other countries that have nowhere near the costs of these so-called environmental taxes, and we are losing our competitive edge. It is as simple as that.

I am the first to say that the environment is probably the most important thing we have to protect for future generations, especially our lands and our soils that have to grow the food— but this tax goes nowhere near doing any of that. In fact, if you want to look after the environment I suggest you look at a map of Australia. At a guess I would say that 55, 60 or perhaps 65 per cent of our whole nation is in the hands of farmers, graziers and pastoralists. The best way we can look after that environment is to see that the people running those properties actually make a living and have money in their pockets. Without money they are forced, if I can put it this way, to mine their country instead of farm their country—or perhaps overcrop it or overstock it to try to stay financially viable.

The best way we can look after our environment is to see we have strong financial landowners. We had a terrible run with the previous government's ridiculous decision, supported by the Greens, to ban the live export of cattle to Indonesia. Now, thankfully, this government—and I commend Prime Minister Tony Abbott and the Minister for Agriculture, Barnaby Joyce, for this—have gone back to Indonesia and stimulated the export of cattle once more. In September 2013 OECD research backed the coalition's claims that 'Australia's pioneering carbon pricing is damaging its competitiveness'. So we have the OECD agreeing with what I just said.

Let's talk briefly about the weather—because the Greens have been in here waffling on about heatwaves and droughts. I will quote from an article of 22 October:

The Blue Mountains bushfire crisis was the result of a lack of political leadership and had nothing to do with climate change, one of Australia's foremost disaster management experts said. David Packham, a former Deputy Director of the Australian Counter Disaster College, said linking the NSW fire disaster with global warming was nonsense. Mr. Packham previously accused latté conservationists of having too much influence on forest management.

This is the argument I have made many times in this place: if you lock up country and leave it in the form of national parks then the grass grows, the lightning strikes, the fires get going and the damage is enormous. It is not conservation; it is destroying those areas that are not managed. Until I leave this place and go to my grave, whenever that is, I will say: you must manage country. This is one of the serious problems we face with the serious bushfires, in national parks especially, with huge fuel loads—and that is not helping our environment one bit. As I said, if we want to help our environment, get our business sector strong and get our farmers financially strong so they can spend the money on the environment.
Senator CAMERON (New South Wales) (12:44): I rise to oppose the repeal of the clean energy bills. I do this for a number of reasons, but for the life of me I cannot accept a proposition based on a scare campaign run by the coalition, who are now in government—a scare campaign where we take short-term approaches and do not look at the long-term challenges for this country. I will quote someone I do not normally quote, although I have used this quote before; it is by the founder of the Liberal Party, Sir Robert Menzies. In a radio broadcast on 24 July 1942, Sir Robert Menzies had this to say of his Liberal creed:

Nothing could be worse for democracy than to adopt the practice of permitting knowledge to be overthrown by ignorance.

If there has ever been an example of knowledge being overthrown by ignorance, the debate on climate change is ignorance overthrowing knowledge. He went on to say:

If I have honestly and thoughtfully arrived at a certain conclusion on a public question and my electors disagree with me, my first duty is to endeavour to persuade them that my view is right.

I will come to what the current Prime Minister's view was in relation to climate change. I will come to his view on how you best deal with climate change. But let me say that Prime Minister Tony Abbott is certainly not taking the advice of Sir Robert Menzies on how you deal with an issue you believe in. Robert Menzies continued:

If I fail in this, my second duty will be to accept the electoral consequences and not to run away from them. Fear can never be a proper or useful ingredient in those mutual relations of respect and good-will which ought to exist between the elector and the elected.

I honestly think that what has happened with the coalition is that fear has been used continually by them in relation to climate change. For short-term political gain, they have used fear as a weapon to try to destroy the scientific base of this issue and to destroy an unarguable environmental case. That is not what the creed of the Liberal Party was and it is certainly not what Sir Robert Menzies was arguing in those days. He went on:

And so, as we think about it we shall find more and more how disfiguring a thing fear is in our own political and social life.

It has not bothered those on the other side that this creed of rejecting fear as a political weapon is the creed that was put forward by Sir Robert Menzies. They have used it mercilessly in pursuit of short-term political gain at the expense of long-term management of what is one of the biggest social, economic and moral issues this country has ever faced.

Menzies went on to say:

Men fear the unknown as children fear the dark. It is that kind of fear which too often restrains experiment and keeps us from innovations which might benefit us enormously.

What could be clearer in terms of benefit than putting a price on carbon to make sure that future generations get a fair go from this generation? What could be clearer? The experiment that was proposed—putting a price on carbon—has just been rejected. It is not so much an experiment—I think it is clear that the majority of environmental scientists and the majority of economists say that that is the way to go.

Sir Robert Menzies said:

It is the fear of knowledge which prevents so many of us from really using our minds, and which makes so many of us ready slaves to cheap and silly slogans and catch-cries.
Doesn't that say it all? Cheap and silly slogans and catchcries in place of critical analysis of the problem, scientific understanding of the problem and environmental understanding of the consequences of global warming.

He said:
It is the fear of life and its problems which makes so many of us yearn for nothing so much as some safe billet from which risk and its twin brother enterprise are alike abolished.

So Sir Robert Menzies, not one of my pin-up boys in politics, really had nailed this position. I suppose if Sir Robert Menzies were around now he would be looking at the cheap and silly slogans and the catchcries from the opposition and shake his head and wonder where his party has gone. I can tell where the party has gone. The party has really gone to the bottom, where it is short-termism over the long term.

My view is that these bills before us now are the triumph of the barbarians in the Liberal Party over those who would want to hold onto that political heritage. The barbarians in the party have rejected the political heritage of Sir Robert Menzies. You just have to look at the Prime Minister's position. As he told Malcolm Turnbull, he is a weathervane on climate change. He will just stick his hand up, see which way the wind is blowing and then take a position. On 18 December 2008 he supported an ETS:
An emissions trading scheme probably is the best way to put a price on carbon …
But seven months later he was supporting a carbon tax. On 10 July he said:
I suspect that a straight carbon tax or charge could be more transparent and easier to change if conditions change or our understanding of the science changes.

Two weeks later, he was back supporting an ETS. He said:
There is much to be said for an emissions trading scheme. It was, after all, the mechanism for emission reduction ultimately chosen by the Howard government. It enables an increasing market price to be set for carbon through capping volumes of emissions.

Then in December 2010 he was against both an ETS and a carbon tax. Something was in the wind. Maybe it was the leadership of the Liberal Party. One minute he was supporting a carbon tax, one minute he was supporting a carbon price, and then in December 2010 he was saying, 'One of the reasons the coalition is so much against carbon taxes and emission trading schemes is that they are not going to help the environment, but, by gee, there'll be a huge whack on everyone's cost of living.' Well, wasn't Sir Menzies right? Here comes the fear campaign. That was the fear campaign starting on behalf of the coalition.

On the same day in July 2009 when he indicated support for an ETS, he said he was unconvinced by climate science. He said:
I am, as you know, hugely unconvinced by the so-called settled science on climate change. Atmospheric concentrations of carbon dioxide have significantly increased since the spread of industrialisation, but it seems that noticeable warming has only taken place between the 1970s and 1990s.

Anyone who has had even a very shallow look at the scientific facts would know that that is a political position, not one based on science.

Six months later, suddenly humans do cause climate change. On the ABC Radio 702, he said, 'I think human activity certainly does impact on climate.' A year later he said human activity is still contributing: 'I think climate change is real' and 'humanity makes a
contribution to it'. But a week later, on 14 March, he is back to being unsure about climate science. He said:

I don't think we can say that the science is settled here.

There is no doubt that we should do our best to rest lightly on the planet and there is no doubt that we should do our best to emit as few waste products as possible, but, having said that, whether carbon dioxide is quite the environmental villain that some people make it out … is not yet proven.

That is just a nonsense. That is a political argument. It is not based on the science that is before this parliament.

Mr Abbott simply cannot be believed on his climate change policy—and calling Direct Action a policy is probably overstating it. The truth is that many on the Liberal side do not believe in the science. They are antiscience, and Mr Abbott just does not have the courage to tell the public what he really thinks, so he jumps from one position to another continually.

Let's deal with the science. We have heard contributions from coalition senators here over a period of time trying to say, 'I actually believe in the science, but we're not really sure that it is anthropocentric—

Senator Bernardi interjecting—

Senator CAMERON: Senator, that is human caused carbon pollution, and that is what he needs to understand. What do key scientists at the CSIRO say? They say:

Climate change is the greatest ecological, economic, and social challenge of our time.

Those are the people who we pay to provide us with scientific knowledge on the issues confronting Australia. The scientists at the CSIRO have an international reputation. I heard one Liberal senator here saying that the people who are supporting climate change in the scientific community are low-level scientists. You cannot say that about the CSIRO. You cannot say that about the Bureau of Meteorology. You cannot say that about the Australian scientists who are involved in this. They are amongst the best in the world and that is why the world listens to them when they talk on these issues. The only people who are not listening to our scientists are the coalition—the climate sceptics and the climate deniers on the other side.

The Australian Academy of Science has said that this is an issue that has to be dealt with and that we need to deal with it quickly. Global sea levels are currently rising. There is a great deal of evidence that the earth's climate has warmed. Global average temperatures have risen in line with the climate model projections. The models have been done—some of the most sophisticated computer modelling ever in the world—and they are clearly indicating that temperatures are rising. What is happening in practice around the world is consistent with those climate model projections.

So climate change is already visible. That is the message. Southern and eastern Australia's water supply reliability is expected to decline. It is the CSIRO saying this. It is not some politician standing here saying that this is what is going to happen; it is our scientific community—the experts in the science of climate change. They say 'development and population growth in Australia’s coastal regions will exacerbate risks from sea-level rise' and that there will be 'significant loss of unique Australian animal and plant species' across the country. They say there is a risk to infrastructure, including the failure of urban drainage and sewerage systems, and that more blackouts, transport disruption and greater building damage will all have to be dealt with.
These are not scare campaigns as they are dressed up by the tactics group of the coalition; this is what the scientists are telling us about climate change. I want my grandkids to have the same rights and privileges I had. That is the right to have a country where we are not facing these calamitous environmental issues.

The scientists go on to say that:
Heatwaves, storms and floods are likely to have a direct impact on the health of Australians ... Moderate warming in the absence of rainfall declines can be beneficial to some agricultural crops ... However, these positive effects can be offset by changes in temperature, rainfall, pests, and the availability of nutrients. Production from cropping and livestock is projected to decline over much of southern Australia, as is the quality of grain, grape, vegetable, fruit, and other crops.

What I just cannot believe is when the National Party in this place, the people who should be warning their constituencies about the effects of climate change, deny that it is happening and go out and perpetrate the lies and nonsense that we have seen in the political debate in this country. I cannot understand why, if you are depending on the land, you would not accept the science. But that seems to be what is happening.

The other argument we hear is that it is all going to send industry broke. There is a document called *Cleaning up: Australia's readiness for a low-carbon future*. This was done in 2012. It was not done by the Greens. It was not done by the Labor Party. It was done by the Economist Intelligence Unit of *The Economist*—the bible for the economic dries around the world. It did a case study on Wesfarmers. Wesfarmers, it said:

… will be among the companies most heavily affected by the new carbon price scheme.

Aside from power stations, Wesfarmers is Australia's sixth biggest carbon emitter, producing 2.7m tonnes of direct emissions.

It was incurring:

… a A$100m net annual cost in the first year of the scheme as a result of the initial carbon price of A$23 per tonne.

But its revenue in 2011 was $56 billion. So it had a revenue of $56 billion, and the cost to deal with carbon was $100 million a year. What did Wesfarmers say? It said:

… it can maintain its margins by taking steps to reduce carbon emissions and improve energy efficiency.

… … …

Apart from the investment to improve energy efficiency, much of the group's focus in the last year has been on intensive emissions reduction, particularly in the chemicals business.

The document went on to say that Wesfarmers is:

… developing internal policies to guide employees as they prepare greenhouse and energy reports and deal with customers and suppliers on issues to do with carbon pricing—

and that is an important aspect of that company's work.

It went on to say:

Though the carbon cost is significant, Wesfarmers believes it can mitigate it to a large extent with top line growth and increased organisational efficiency.
This is a company that has one of the highest carbon prices that has to be paid, a company that is a big employer, a company that has taken the steps to deal with the issue of carbon pricing—and it says it will not affect its bottom line because it is going to deal with it.

Who was the sponsor of this report? It was General Electric. General Electric sponsored this report for *The Economist*. There is another case study in here on Shell. Shell said a cap-and-trade system is the right way to go and that it is 'the right mix at the right time'. So no-one agrees with this nonsense of Direct Action that the coalition are putting up. The Minister for Communications, Malcolm Turnbull, clearly does not like it. He belled the cat when he said it was a nonsense and a short-term approach. We have to take long-term approaches in the interests of our grandkids and in the interests of the planet. That is the challenge the coalition are failing to meet.

**Senator BERNARDI** (South Australia) (13:04): I rise to speak on this package of bills, debating what many Australians hope will be the final chapter and effectively the nail in the coffin of the disastrous carbon tax. It is a tax that, of course, was not even meant to exist and it is one of the most damaging and ridiculous policies that has ever traversed through both houses of parliament. It is a tax that has been a blight on this country's economy and a burden on the budget of every Australian family and every Australian business. It has put pressure on the cost of living, it has increased the costs of doing business within Australia and it has damaged our international competitiveness overseas. In fact, it was in its very first year a $7.6 billion hit to our economy. It had a direct impact on over 75,000 Australian businesses.

After all of this, how much did the carbon tax reduce carbon dioxide emissions by? Just 0.1 per cent. It cost $7.6 billion and reduced carbon dioxide emissions by barely 0.1 per cent. I could sum it up in another way. It has not worked. Only the Labor Party and their alliance partners in the Greens could impose a tax on the country to save the environment that actually made next to no difference.

But while the carbon tax was doing its damage to the wallets of Australians, it was also—I remind you, Acting Deputy President Furner, and the people of Australia—doing untold damage to those in the Labor Party. No other policy in recent memory has claimed such high-level political scalps or damaged so many political reputations. Let's take a walk down memory lane. It originally started with Mr Rudd walking away from his emissions trading scheme, which helped lead the way to him being dumped as leader and Prime Minister in 2010. Then Ms Gillard, after plunging the knife into Mr Rudd's back, tried to make her mark on the policy, misleading the Australian people in the most blatant manner that I have ever seen from a sitting Prime Minister. Just days before the election Ms Gillard promised on national television in front of millions of Australians:

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

She took that promise to the election, as did all the Labor Party. She scraped into government with the help of a handful of Independents and then turned her back on the clear will of the Australian people by doing the exact thing she promised not to do. The question remained—and it remained a black stain over Ms Gillard's prime ministership—how could anyone trust anything she said after she had backflipped on such a flagrant election promise? That did, indeed, haunt her throughout her prime ministership and eventually it helped lead to her downfall.
Mr Rudd then made a comeback and tried to smooth things over. In his eagerness to win the election at whatever cost, he admitted the carbon tax was a huge burden for all Australians. He said:

The government has decided to terminate the carbon tax to help cost-of-living pressures for families and to reduce costs for small business.

Let me read the opening line of that again: 'The government has decided to terminate the carbon tax'. That was Mr Rudd and the Labor Party before the last election. But that did not save him, because by then the Australian people had had a gutful. They were sick of paying another tax that Labor had lumped them with and that was achieving no beneficial outcome. They were sick of forking out for Labor's and the Green' ideological bent of putting a price on carbon dioxide—that odourless and colourless gas that is actually vital for life on earth. So the Australian people categorically rejected what Labor had put forward—and their policies—at the last election. They wanted change and they did not trust the then Labor government to fulfil their promise of abolishing the carbon tax. So they left it to the coalition to abolish the carbon tax—and that is exactly what we are trying to do.

This is about making things better for the Australian people. It is about removing a toxic tax that does nothing to help the environment but hurts everyone's household budgets. The quarterly CPI figures which were released on 24 October last year, the first CPI figures since the carbon tax was introduced, showed the largest quarterly increase ever. About two-thirds of this increase, on average, was due to the carbon tax. There was a 15.3 per cent rise in electricity and household gas, and a 14.2 per cent rise in miscellaneous fuels. Electricity companies are now being slugged to the tune of $3.5 billion and these higher costs are being passed on to consumers. It was extraordinary to read an opinion piece in the local paper today by Mr Paul Howes, the man who basically said he would quit the Labor Party and quit supporting the Labor Party if one job were lost due to the carbon tax. He was lamenting the cost of electricity for businesses and saying that that was what was making manufacturing uncompetitive. But in his about-face in his opinion piece he failed to once mention the impact of the carbon tax on electricity costs and how that was threatening our manufacturing competitiveness in this country.

We see even more proof with the Clean Energy Regulator's report that tells us 16 of the 20 biggest carbon tax bills went to electricity companies. The additional costs for the power industry overall equate to $4.1 billion. That, of course—and I will say it again—means higher electricity and utility bills for Australian families. Businesses are crying out for relief as well. Labor's tax has been a $1.1 billion burden for our manufacturing sector. Industry groups have said that:

...Australia's high carbon tax raises business costs unnecessarily, hitting industry competitiveness and investment confidence.

The Business Council of Australia agrees, saying the carbon tax:

...places excessive costs on business and households because the carbon charge under the legislation is now one of the highest in the world.

In recent days, Virgin Australia boss John Borghetti singled out the carbon tax for its damaging impact on airlines. I know his words have already been mentioned, but they are worth repeating. He said:
...the best assistance the government and the opposition can provide is the removal of the carbon tax, which has cost this industry hundreds of millions of dollars...

The cost of the carbon tax to this one company alone is $27 million. All this damage is from a tax we were never meant to have in the first place. What Labor and the Greens seem to forget is that the most important poll on the carbon tax was taken on 7 September last year. The people had their say, yet those on the other side of the chamber are still confused. The party that vowed to terminate the carbon tax, as the Labor Party did, is now fighting to keep it. Quite frankly, those on the other side appear to have very little interest in easing the cost-of-living pressures on families. I would suggest that they do not have any, because they were the ones who implemented this tax whose entire aim was to increase costs. That, indeed, was the whole point of it.

In contrast to the continuing Labor chaos, the government has listened. We warned about the destructive nature of this tax before it was implemented. We took our considered and consistent position to the Australian people at the election and we fought to remove the carbon tax. Doing so will have positive consequences. As Rod Sims from the ACCC said last year:

What went up will clearly come down when you take away the carbon price.

According to Treasury modelling, removing the carbon tax in 2014-15 will leave average costs of living across all households around $550 lower than they otherwise would have been in 2014-15. It is estimated that retail electricity will be around nine per cent lower and retail gas prices around seven per cent lower than they would otherwise have been. This means that average electricity bills will be around $200 lower than they would otherwise would have been for households. It also means that average household gas bills will be around $70 lower than they would otherwise have been. For business, it is estimated that compliance costs will decrease by around $87.6 million per year. The burdens pushed onto Australian business and families will be eased and taxpayers will no longer have to foot the bill for Labor's reckless spending and misguided ideological vendetta against carbon dioxide.

All this goes to show the level of deception and nonsense that has been attached to this carbon tax. Mr Rudd called the carbon tax—or its previous incarnation—the great moral challenge of our generation, and yet twice he denounced policies that his party was pursuing.

Ms Gillard made a fundamental error of judgement in breaking her promise to all Australians. Dr Bob Brown, a former senator, blamed the Queensland floods on coal companies and climate change. Speaking about the Murray Darling Basin in 2009, Senator Wong said:

... this severe, extended drought is clearly linked with global warming.

And now the Leader of the Opposition, after sitting back and watching his colleagues self-destruct over this, is providing only more chaos for the Labor Party and for the Australian people by holding up the repeal of the carbon tax.

Senators on the other side of the chamber are the prophets of doom, always seeking to fundamentally change our economy to pursue an extreme agenda. The climate change alarmists want us to believe what they tell us, at any cost. It is all about the price they are willing for others to pay. And, quite frankly, it is not simply the impact that something like the carbon tax has on our economy that we should be considering; we all have to pay for the
extras that come with these policies. Almost $1.5 million was spent by the Rudd government on travel costs to send 68 people to that ill-famed Copenhagen conference in 2009; a conference that achieved basically nothing.

Taxpayers also forked out another $360,000 for a delegation to be sent to a Mexico climate change conference. And how can we forget the clauses within the draft of the mooted Copenhagen treaty that sought to establish an unelected and virtually unaccountable world body that would have required Australia to transfer billions of dollars each and every year to developing countries, all in the name of combating climate change? Those are just a few examples of how easy it was for the previous government to spend taxpayers' money to pursue their green dreams and socialist agenda.

Rather than seeking to strike a balance between protecting the environment and the economic challenges we already face, Labor and the Greens were happy for taxpayers to bear the financial burden because it is the only way they know how to govern: taxes and more taxes. Their idea is to keep levelling taxes on other people without bothering about the real costs to our community. It is time for us to end this terrible part of our recent history. It is time for us to move on with getting our economy back on track. While those on the other side, along with their friends the Greens, sit and watch the death throes of their disastrous policy experiment, whose legacy we are living with today, the government is getting on with the job of governing.

We are making the tough decisions that protect the interests of this country, doing what is necessary to ensure that families and businesses have the best chance to succeed. We are working to implement the will of the Australian people, who want to see this carbon tax gone. We will not tax the Australian economy to achieve our environmental goals, unlike Labor and the Greens, who will tax the economy without achieving any environmental goals. We will work towards a sustainable environment through low-cost, effective opportunities to improve the environment.

The people of Australia know where we stand. They knew where we stood before the election; they know where we now stand. It is now up to the other side to respect the wishes of the people and vote to repeal the carbon tax and free this country from this damaging and ridiculous policy that was never designed to achieve any meaningful environmental outcome. I will be supporting this bill.

Senator THORP (Tasmania) (13:18): Over the centuries, there has been a colourful history of groups incorporating under the common belief that planet Earth is flat—despite a mounting wealth of scientific evidence to the contrary. While this idea can trace its origins back to ancient civilisations, it has been revived many times in recent decades across the globe. The philosophy reached a peak in the 1970s when the International Flat Earth Research Society of America was reported to have a following of around 3,000 people.

A newsletter by society President Charles Johnson declared the goal of the organisation was to 'replace the science religion with sanity'. He contended that science is nothing more than 'a weird, way-out occult concoction of gibberish theory-theology' and that scientists are 'the same old gang of witchdoctors, sorcerers and tellers of tales'. Even today, in the age of Google maps and satellite tracking, the flat-earth cause continues from a base in California and boasts around 420 members. For those interested, it has an active internet presence at theflatearthsociety.org.
While flat-earth theories and the like provide a rich seam for ridicule in internet memes and weird-and-wacky columns for slow news days they are generally regarded as harmless, if unconventional, additions to the world of ideas. We have come to accept that, regardless of how hefty the weight of evidence at their disposal, some people will always cling to curious, if not completely absurd, beliefs.

However, this phenomenon can result in more sinister outcomes if these same people are invested with the power to use their strange thoughts as the basis of public policy. In the area of climate change, I fear that some of these people are our nation's elected representatives and that some of their unfounded beliefs form the foundation of bills like the one before us today. Of course, most members of this coalition government will tell you that there is no question that they believe in climate change and that their commitment to combat it is sincere.

They would assert that they agree with the 97 per cent of scientists who say that climate change represents a very real and present danger to the planet and the quality of our life on it. But the truth is that we hear a lot of words in this place. And Australians are not foolish. Australians understand that the only way to judge elected representatives is not on professionally-crafted rhetoric, but on actions. And therein we have the rub.

Perhaps we can forgive the Prime Minister for misspeaking when he put on the public record his belief that climate change is 'crap', during the now infamous interview in The Australian. After all, we cannot forget that the Prime Minister himself has cautioned us not to believe everything he says in the heat of discussion and that we should only take heed of his prepared, scripted remarks. So, maybe, in this case Mr Abbott got carried away with political pointscoring. It certainly would not be the first time he has let political convenience come before the truth. After all, the Prime Minister has also said in the past that it makes sense to have an ETS 'to take precautions against significant risks', so it is difficult to determine what he actually believes.

But, before we give the Prime Minister the benefit of the doubt, we need to ask ourselves a few questions. Firstly, would a government that truly believed in climate change make it one of its first priorities in power to abolish the Climate Commission, which was established to provide the nation with vital information on the effects of and potential solutions to global warming? Would a government that is truly committed to reversing climate change turn its back on the United Nations climate change conference, which contributed to Australia winning the 2013 'Colossal Fossil' award from the Climate Action Network? And would a government that accepts the serious risks that face the globe if we do not act on climate change attempt to abolish the Clean Energy Finance Corporation? This body, as has been said here previously, has leveraged an impressive $1.5 billion worth of private sector investment in clean energy projects and, in doing so, has cut 3.9 million tonnes of damaging carbon from our atmosphere. Even more importantly—and this is the kicker—this activity has also brought a return of seven per cent to government coffers. This would result in $200 million a year of pure profit. But, despite all common sense and, indeed, fiscal responsibility, the government persists in its bloody-minded plan to shut down this important body. Finally, we need to ask whether a government that is honest about its intention to cut carbon output would replace the almost universally accepted mechanism of pricing carbon with a direct action scheme that has been recognised as a dud by policymakers, scientists and economists alike. These questions are exactly what we are considering today in the bill that is before us.
We also need to consider this 'policy' of direct action, because what the government have given us to date barely qualifies for this description. Despite the fact that the government first announced Direct Action in 2010, in the intervening three years it came up with little more than thought bubbles as to how it could funnel hundreds of millions of dollars to polluters and rip away all the economy-wide incentives for investment in green, energy efficient projects. In order to cover up this lack of policy, Mr Hunt tried to slip out a vague, undetailed 'green paper' on the Friday afternoon before Christmas. Presumably he hoped it would fly under the media radar and public scrutiny could be avoided.

Currently, I serve as the Chair of the Senate Environment and Communications References Committee, which has recently been charged with considering the impacts of the government's direct action policy. The inquiry has received more than 100 submissions from across the country, and the overwhelming message we are getting is that the Direct Action Plan is simply not up to the task; it is expensive, is riddled with design problems and will not come close to meeting Australia's carbon emission reduction targets. In fact, the committee is yet to hear evidence from one single witness who is willing to support direct action as an effective or appropriate stand-alone solution to address climate change.

To meet our commitment of reducing Australia's carbon output by five per cent by 2020, the government has allocated $1.55 billion over three years, but modelling by SKM MMA and Monash University has shown that this falls $4 billion short of what will be needed. This leaves the government with three options: change the policy to a more cost-effective one, increase funding or fail at meeting the five per cent reduction target. The government has been very clear that it will not change the policy and even clearer that there will not be any more money on the table. Unfortunately, this all but guarantees that Australia will not meet its carbon reduction target.

One key failing of Direct Action is that it throws away the widely accepted market based model of 'polluter pays', in favour of an underresourced 'taxpayer pays the polluter' plan. This is very curious when you consider that the environment minister himself penned a graduate thesis entitled 'A tax to make the polluter pay', proving he fully understands the effectiveness of a broad based market pricing that places the burden of pollution on the polluter, rather than on the taxpayer. When interviewed on the topic in 2010, Minister Hunt reiterated this position, saying:

My support has always been for two things. And this is a life-long commitment back to my thesis. And that is firstly, to reduce emissions. And secondly, to use economic instruments to do that. Despite this, Minister Hunt seems to have turned his back on years of learning to champion the Emissions Reduction Fund, where the government will pay organisations to undertake projects intended to reduce carbon emissions.

Pollution is a waste output of business like any other. Just as we would not expect someone else to pay to dispose of the skip bins of rubbish that any business generates, it is quite unfair to require the taxpayer to pick up the tab for big business and their carbon outputs. Unfortunately, this direct action policy also has some serious design flaws which open it up to being 'gamed' by big polluters. Firstly, it is very difficult to determine what a business would have done anyway as part of its normal operations. It is easy to envisage a scenario where a company could secure government funds to do something that it planned to do all along. And, perversely, businesses that have already reduced their carbon output could be penalised
because they will be starting from a lower baseline, despite taking responsible and very effective action earlier. But, worse than this, the government has already pointed to a 'flexible' approach where there will be no penalties for not meeting the required carbon abatement. It has been made clear that the government will not penalise organisations for 'business as usual' operations—even if 'business as usual' pumps out tens of thousands of tonnes of polluting carbon dioxide.

In this context, it is not surprising that the government has completely done away with the national cap on emissions, as there is no chance of meeting any meaningful target through Direct Action. In fact, the Climate Institute tells us that, far from helping to mitigate climate change, Direct Action will actually result in an increase in carbon emissions of eight to 10 per cent on year 2000 levels. According to Climate Institute modelling, if other countries followed the Abbott government's policy lead, the world would be on track for a catastrophic rise of up to 6.5 degrees Centigrade by the end of the century. For Australia, this would mean a five-fold increase in droughts in southern Australia, the virtual destruction of the Great Barrier Reef, forced abandonment of many coastal communities and a 90 per cent reduction in agricultural production from the Murray-Darling region. Another problem of Direct Action is that it is completely silent on what will happen post 2020. We simply do not know. This creates serious uncertainty in the business community and threatens the viability of long-term investment planning, particularly as many projects would have a time line extending well beyond that of the policy itself.

With the removal of the broad based carbon price, the government is removing the financial incentive for businesses to invest in low-carbon solutions. By doing this, it is essentially subsidising fossil fuels at the expense of clean, renewable energy. While the rest of the world is embracing the transition to low-carbon economies, Australia may find itself an economic and environmental backwater through the government's determination to cling to last century's technology. In fact, the GLOBE Climate Legislation Study which was released last week highlighted how far Australia is falling behind the rest of the world in this area. This study of 66 countries across the globe found Australia is the only country to be taking negative legislative action on climate policy. Only three months ago, China's second-largest province, which has a population of over 100 million, introduced the world's second-largest emissions trading scheme. Meanwhile, Australia stands alone as the only country currently that is dismantling a market based approach to minimising climate change. It is very hard to believe that these are the actions of a government that is truly committed to avoiding the damaging environmental and economic impacts of climate change.

Today, we are looking at a bill that threatens to turn back the clock on the advances this country has made toward meeting our ethical obligations to future generations and replace them with a widely derided option that will do nothing but line the pockets of big polluters. This is a bill that, if passed, will undoubtedly set us on a reckless path and abrogate our responsibility to protect the planet from the potentially devastating impacts of climate change. Well, I refuse to stand with this government on the wrong side of history. Instead, I will stand with the 87 per cent of Australians who believe that the target to reduce Australia's carbon emissions by five per cent by 2020 is either on the mark or does not go far enough. And I will stand on the side of the sheer weight of scientific evidence which tells us that we are heading down a perilous road if we ignore it. This is why I refuse to support this bill. Instead, I support
replacing the carbon tax with an emissions trading scheme, which will help us to fulfil our responsibility to the international community and generations to come.

It is important to point out at this stage that the current government has long engaged in irresponsible myth-making about carbon pricing. Despite the Prime Minister's rantings about the carbon tax in recent years, it did not 'take a wrecking ball to the economy'. In fact, the economic impact of the carbon tax was determined by experts to be less than 0.7 per cent. And, even though we had a carbon tax, the economy continued to grow, jobs continued to be created and we registered an impressive growth in national wealth. At the same time, a fair compensation package was put in place to ensure that Australians earning under $80,000 a year would suffer no negative financial impacts as a result of the carbon tax. That is hardly a wrecking ball, from anyone's perspective.

At the same time, the carbon tax resulted in an 8.4 per cent drop in carbon emissions from the electricity sector in its first six months. That is a very tangible drop of 7.5 million tonnes of carbon when compared to the same half of 2011. However, in Labor we recognise that the economy may have some difficult times ahead. This is why we believe that an emissions trading scheme will strike the right balance between protecting the economy and meeting our obligations to reduce carbon output. The proposed scheme would put a floating price on carbon from 1 July. Notably, it would also reduce the economic impost on business, industry and Australian families, as the carbon price would drop from the current $25.40 a tonne to the standard European floating price, which is around $6 a tonne.

As policymakers, one of our primary responsibilities is to recognise problems and find sensible, evidence based solutions to them. At the moment, we have a very serious problem facing us. We only need to look at the serious weather events occurring across the globe to realise that lip-service and token gestures from those opposite simply will not cut it. From the heartbreaking bushfires in New South Wales to the devastation wrought on the Philippines by Typhoon Haiyan, there is little doubt that the weather is changing. Experts across the globe who have devoted their lives to the study of climate are unanimous in warning us that if we do not act to decrease carbon emissions, these sorts of extreme weather events will only escalate in scale and regularity. Experts have also told us that the most sensible, effective policy solution to the problem is to put a price on carbon and that so-called direct action schemes are expensive and ineffective.

So we stand here at an important junction in history. Do we take the responsible path of putting an effective, evidence based response to the problem of climate change in place? I have worked closely with people on both sides of this place, and I have to say that there are many on the other side that I believe to be rational, intelligent and ethical. I know where I stand on this, and I urge these more sensible members of the government to lobby their short-sighted leader to reconsider this regressive, irresponsible action so future generations do not have to pay the price for their flat-earth-type thinking.

Senator WHISH-WILSON (Tasmania) (13:37): I am proud to stand here today and say as the last speaker that, like the rest of my party room, I will not be voting for these carbon tax bills. What we are voting on today is one of the bravest, most significant and most necessary structural reforms this country has seen in decades. We are taking a leadership role and the rest of the world will follow suit if we can reduce global emissions. It is at times like these that I cannot help but reflect on the fact that six years ago I was sitting in front of a computer...
at the University of Tasmania after I was asked to put together a course in environmental finance. At that stage no other university had looked at doing a specific course in environmental finance and how we could use financial markets to help mitigate environmental damage. It is quite ironic that I am standing here in the Senate today, having taken 12 months to pull together all the simple things to teach students how we can counteract a problem such as global warming, and all the best policy advice available is being thrown out the door by a government that is supposed to understand markets and understand business.

Let me start at the beginning. Carbon dioxide, like other greenhouse gases, is pollution. That might be the very first line you type on your first slide that you are going to show your students. If you do not believe that, if you do not get passed that first line, then there is no point progressing with the rest of the course. Carbon dioxide is pollution.

It was interesting hearing Senator Eggleston yesterday talk about historical instances of carbon dioxide pollution leading to periods of global warming. We are well aware of that from climate records, but that does not abrogate the importance of carbon dioxide in today's age. It actually supports the argument that CO$_2$ is a greenhouse gas that can lead to runaway climate change and all the negative impacts we see on our ecosystems and on our future economy.

If it is pollution, it is what economists call an externality—that is, something produced by a company that is having a negative impact is not being reflected in the costs of production of that good. We also know from well-established theory that markets fail. Markets do not always price things well. They do price some things well, but they do not price things like pollution well, so there is an important role for government to step in and fill the externality gap by levering things such as taxes or excises on pollution.

In the last two days we have heard a lot from the CEO of Virgin talking about the impact of the carbon tax. Apart from the fact that he and Qantas signed up lobbying to be included in the price on carbon scheme, we have not heard anything about the excise that has long been levied on aviation fuel or other fuels in this country. What we hear about is the so-called carbon tax and the damage that has done to the profits of a company like Virgin. It was interesting also to see in estimates last week Qantas very clearly saying that the carbon tax was not the issue, whereas we have seen the Prime Minister and our Liberal cohorts in the last two days running the populist line that somehow the carbon tax has destroyed Qantas. I will get back to that in a minute.

This price on carbon, and its accepted theory to price pollution, is designed to transition industries away from pollution to cleaner forms of production. It does not just have to be electricity; there are a lot of other things that we leverage market based instruments on. That is why we call them market based instruments. We are transitioning in this country, and certainly in my state of Tasmania, which has 86 per cent renewable energy, from dirty energy to clean energy. Along the way we have created tens of thousands of new jobs in investment and innovation in this country. I have not heard that mentioned once by anyone on the other side of the chamber in all of the debate.

Yes, a scheme like this will have its costs and it may have design flaws that need to be changed. It will also have risks. It is our job in government to manage those costs and to manage those risks. Getting back to the first line that I am typing for my students, if you do not accept that CO$_2$ is pollution then I can say to you—and I did say this to some students—
you do not have to have proof to be prudent in finance. That is what the insurance industry is based on. I do not know if I am going to be run over by a car and killed but I have life insurance anyway because, if I do, it will be catastrophic for my family. I insure my house in case someone breaks in and I insure my car in case I have an accident. It is called managing risk. It is the insurance industry that has driven action on climate change since the 1980s, because it is the only industry pricing the risk of climate change, not just to households and individuals but to businesses and industries.

So taking strong and effective action on climate change—and I emphasise action that is effective—is an insurance policy in itself. That is what climate action is. I say to people who do not necessarily believe in CO₂ being pollution that leads to global warming, where does the balance of risks lie? Would you put your money on it if you had to make a bet based on the available evidence? Isn’t it prudent to manage our risks? Yes, it is. We need strong action on climate change because it is an insurance policy for the future of our grandchildren, as Senator Cameron so eloquently pointed out. But it is a lot more than that; it is also important for our economy.

So the crisis we face today—and I stress it is a crisis—could not have been more clearly highlighted than by CSIRO this morning when they put out their definitive report on observed changes in the long-term trends in Australia’s climate. I will read to you from the section 'Future climate scenarios for Australia'. It says:

- Australian temperatures are projected to continue to increase, with more hot days and fewer cool days.

Interestingly, the CSIRO's conclusion is the same as that of the Bureau of Meteorology in answer to a question from Senator Ruston during estimates. According to the report:

- Seven of the ten warmest years on record have occurred since 1998.
- Over the past 15 years, the frequency of very warm months has increased five-fold and the frequency of very cool months has declined by around a third, compared to 1951–1980.

The report goes on:

- A further increase in the number of extreme fire-weather days is expected in southern and eastern Australia, with a longer fire season in these regions.
- Average rainfall in southern Australia is projected to decrease, with a likely increase in drought frequency and severity.
- The frequency and intensity of extreme daily rainfall is projected to increase.
- Tropical cyclones are projected to decrease in number but increase in intensity.
- Projected sea-level rise will increase the frequency of extreme sea-level events.

When I read that I understand that it is talking about the future—my future and the future of my kids. When I read that I see that it spells cost—the cost of living in this country under climate change, not the cost of my bloody electricity bills this month or next month. This is the CSIRO talking about the potential catastrophe under a future of climate change if we do not take action. We have just given billions of dollars to farmers because of drought. I have no doubt they need it, but how many more billions of dollars will go to them? How many more billions of dollars are we going to have to spend on mitigation strategies for bushfire risk or for rising sea levels? It is interesting, I have never heard the cost of climate change
mentioned by the other side of the chamber in this debate. But there it is; that is what we have
to do something about, folks. It is clear as daylight.

So why are we standing here today debating whether these bills should be scrapped? There
are three good reasons that I can identify. The first is the zombie spin that we saw from the
Abbott government in the lead-up to the last election. Once again, Senator Cameron pointed
out very eloquently the impact that the short-sighted, offensive, cynical, political opportunism
of Tony Abbott, the Prime Minister, has had on the debate. I cannot think of a better example
than that of Qantas. Qantas is in trouble, workers jobs are at risk, and it is the fault of the
carbon tax again! The second thing I can identify is ideology, pure and simple. I was reading
the IPA website last night, looking at its freedom index. I have no doubt that that is now a
layer that we have to deal with under this new government: how well new regulations or
policies impact the IPA's freedom index. Sometimes I cannot help thinking that their ideology
has bred pure spite in the attempt to cancel some of these bills, especially that dealing with the
Clean Energy Finance Corporation. Lastly, it is about special interests, about the big end of
town, about being puppets on a string, having the IPA, the Business Council of Australia and
the other large, vested interests in this country dictating your policy.

Let us consider the carbon tax bills specifically. The cheer squad—the Australian Chamber
of Commerce and Industry, the Australian Industry Group, the Business Council of Australia
and the Minerals Council of Australia—is very clear. The Australian says, 'Industry calls for
swift repeal of carbon tax.' I wonder why, considering that only 0.1 per cent of Australian
businesses are liable to pay the carbon price and that four companies, concentrated in a very
small number of industries, alone pay nearly 50 per cent of Australia's carbon liability! This
demonstrates how the big polluters, as Al Gore recently in Australia articulated so clearly on
7.30 Report, have hijacked our democracy. They are driving the government's agenda and,
sadly, potentially our national legislation. I would like to quote from an article by Ross
Gittins, in the Sydney Morning Herald, that I really enjoyed. It is entitled 'We're now a nation
of rent-seekers.' He says:

Professor Ross Garnaut has argued that Australia is unlikely to see another era of extensive micro-
economic reform because of the growth in rent-seeking behaviour since the days of the Hawke-Keating
government.

... ... ...

What gets me is how blatantly self-seeking our lobby groups have become. It is as if the era of
economic rationalism - with its belief that the economy is driven by self-interest - has sanctified
selfishness and refusal to co-operate for the common good.

He goes on to say:

It's finally dawning on people that major and genuine reform—
which the carbon-pricing scheme is—
requires a degree of bipartisanship at the political level and a spirit of give and take on the part of
powerful interest groups. But these prerequisites are further away than ever.

Instead what we get is lowest-common-denominator politics from the pollies and rent-seeking posing as
"reform" from the interest groups.

He goes on to mention the various business lobbies that have a significant interest in investing
to have this legislation changed.
I used to teach the special-interest model and the special-interest effect to students. It is probably a bit difficult to talk about in the time I have remaining, but we all understand that lobby groups play a role in democracy—they get in the ear of decision makers. But they also make the decisions that we as decision makers make very clear. They make the benefits and the costs to us very clear. They can donate to political parties. They can threaten to advertise against you in aggressive advertising campaigns. There is no clearer example of that than with Labor's change of view on the mining tax. I have seen it also with Coca-Cola and the Australian Beverages Council aggressively advertising against national recycling schemes such as a bottle bill. We face these trade-offs. Do we take on special interests and risk getting a backlash from voters? Unfortunately, most voters in this country do not have the time or the energy to invest in fully understanding legislation and how important it is. That is our job as government to do. That is why special interests win. They can concentrate very powerfully the benefits and costs to decision makers, and decision makers know that the general public have lots of things on their mind when they go to the ballot box. That is why it is a con to say that this government has a mandate on the carbon tax, on the mining tax, on turning back the boats or on anything that I have heard in this chamber—you suddenly have a mandate on it. How many Australians go to the polling booth understanding those policies and voting specifically on those? It is my view that people voted for a change at the last election—I do not doubt that—but that was because of the circus that we saw from the Labor Party. I have a very clear view on this—we call it the rational ignorance of voters. There are a multitude of factors that go into decision making when people vote in an election. Unfortunately, once again, it is why special interests get away with dictating government policy.

What about the positive interests that support renewable energy? The Australian Cleantech Review in 2013 estimated at least 53,000 Australians are currently working in the cleantech sector, with strong growth since 2009. Modelling by several organisations, including Austrade, shows that current renewable energy targets in combination with other elements of the clean energy package, including a price on carbon, will deliver $20 billion of investment in renewable energy by 2020. Tasmania, my state, is nearly 100 per cent renewable and receives a $100 million dividend from the price on carbon. I am yet to see any politician, especially not a politician from Tasmania, say how my state will be compensated. One hundred million dollars a year from a price on carbon—because we export clean energy—is 12½ per cent of non-Canberra revenues to the state government. How are we going to be compensated for that? Solar PV accounts for 18,500 jobs and $8 billion in private investment; it is a growth sector. With traditional industries around this country failing—with the car manufacturing sector pulling out of the country, with farmers needing more handouts and with the collapse and troubles experienced by commodity industries, for example, SPC—how are we going to invest in the new jobs of the future? Where are we going get this innovation from? Senator Conroy is here—at least he has done something for this country with the NBN. How are we going to build the industries of the future? I can tell you we have one here now, and it is called clean energy.

The government talk about sovereign risk. I have never seen a worse example of sovereign risk than what the Liberal Party has done to the clean energy sector over the last four years. There is nothing business hates more than uncertainty.

**Senator Back:** You and Labor were in government for the last four years!
Senator WHISH-WILSON: Businesses factor in costs and are forward-looking, as you well know, Senator Back. All you have done is pull the carpet out from underneath one of the future growth drivers of this country. How are you going to replace it? The price on carbon acts as a catalyst for transitioning this country to a clean energy future and we are the only party that has shown leadership on this issue. Let us talk a little bit about leadership. Lord Deben, the head of the UK Committee on Climate Change, and a Tory politician, has slammed the Abbott government's push to pull back climate change policies:

It lets down the whole British tradition that a country should have become so selfish about this issue that it’s prepared to spoil the efforts of others and to foil what very much less rich countries are doing … All that pollution which Australia is pushing into the atmosphere is of course changing my climate. It’s a real insult to the sovereignty of other countries … It’s wholly contrary to the science, it’s wholly contradictory to the interests of Australia and I hope that many people in Australia will see when the rest of the world is going in the right direction what nonsense it is for them to be going backwards.

Tory politician! Senator Macdonald is not in here, but I challenged him in the House the other day when he said, 'I have yet to have anyone from that side of the chamber say to me why us cutting our small contribution to global warming is making a difference.' It is making a difference because this country has shown leadership and conviction, and it comes at a very small sacrifice considering what previous generations of this country have had to sacrifice for us. Accepting a $1 or $2 increase on an airfare as a result of the carbon price, or a small increase in my electricity bills, is hardly a sacrifice when we are talking about long-term structural reform. It is long-term structural reform in order to do the right thing for my children and for future generations of this country—not to mention the animals that live in our ecosystem and our oceans and the ecosystem services that support life on this planet.

This is the biggest structural reform this country has seen in decades, and I and the rest of my party will not stand by idly while the government tries to pull the carpet out from under the feet of my children and future generations of Australians.

Senator BOSWELL (Queensland) (13:57): I was the first person who ever queried the carbon tax, when I asked the first question about it on 26 August 2008. How one small voice can change the world if you are persistent! I have sat here for the past three weeks while thousands and thousands of jobs have disappeared, while people on the other side have read speeches presented to them. Those speeches may as well have been in Swahili for all they know about it—they have dutifully read out those speeches word for word, and meanwhile the jobs have been evaporating in front of them. The Labor Party have been filibustering and putting cost on cost on business.

Senator Wong: How many jobs have been lost since you got into government?

Senator BOSWELL: How you can sit there and say that you are representatives of the working people has got me beat. I can understand the Greens—that is their knitting; that is what they should stick to. But how the Labor Party get sucked into this is beyond me. If you do not believe me, how about believing Paul Howes? Paul Howes has said the cost of energy is killing our manufacturing industry. Do not believe me, believe the president of the AWU, or the ACTU—

Senator Cameron: He's something; he's just something!

Senator BOSWELL: He is certainly better than you, because he does stand up for something whereas you just bend your knee at the altar of the Greens, Senator Cameron. You
have never stuck up for the working man as long as I have been here. For as long as I have been here you have knelt, you have genuflected, you have bowed to the Greens and you have kissed the floor they walk on. That is what you have done.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Qantas

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Minister for Infrastructure and Regional Development, Senator Johnston. Given part 3 of the Qantas Sale Act requires maintenance, catering and head office jobs to be kept in Australia, can the minister advise how many jobs will be sent overseas as a result of the government's decision to repeal part 3 of the act?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:00): That is a question you might best ask Qantas. The situation is that Qantas, of course, for the senator's understanding, is a commercially-listed entity in Australia. It is an international carrier in the airline industry and, accordingly, is hostage to the marketplace. It is currently going through a tough time. What the government has sought to do is level the playing field for Qantas. We are not going to give them a blank cheque. We are not going to underwrite debt. We are going to give them a level playing field where they can compete on the open market, as they should. The government has announced that it will move to a single regulatory framework for all Australian airlines. Legislation will be introduced to remove the foreign ownership and operational restrictions in part 3 of the Qantas Sale Act. That, Senator, through you, Mr President, is a very important act—

Senator Conroy: Mr President, I rise on a point of order going to relevance. I asked the minister a very specific question about the repeal of part 3 and how many jobs were going to be exported by this government. The minister has 40 seconds left to remotely attempt to address the question, and I invite you to ask him to address the question.

The PRESIDENT: There is no point of order at this stage. The minister is to continue.

Senator JOHNSTON: Thank you, Mr President. Qantas as a viable, commercial entity employs a very large number of people. In order for them to continue to be a viable, commercial entity, they must have a level playing field; currently, they do not. They are at the mercy of other airlines that have government capital funding. Senator, you should know that, if we are going to go forward with a reliable, secure working environment for the employees of Qantas, they must have the commercial capacity to borrow on the open market and function commercially. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. Why has the government ignored Qantas when it says that it needs immediate action and instead chosen to propose legislation which it knows has no chance to pass the parliament? Why is the government using Qantas as an ideological political football and sacrificing Australian jobs to try and score some cheap political points?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:03): The government has announced that it will introduce legislation as soon as possible to remove part
3 of the Qantas Sale Act, which places restrictions on Qantas that advantage its competitors. Removing these conditions is the best way to ensure Qantas can secure Australian jobs now and into the future. Any changes to the Qantas Sale Act to assist Qantas require bipartisan support to be passed through this parliament. The best way to protect Australian jobs at Qantas is to put Qantas on an equal footing with its competitors. The government is not about writing blank cheques for commercial entities. It is clear that a publicly-listed, commercial entity must be able to compete in the marketplace. This is an opportunity for the opposition to understand an industry.

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Does this government really believe that the best way to save high-skill, high-wage Australian jobs is to send them overseas?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:05): The government has determined that the best response in the circumstances for Qantas is to repeal the Qantas Sale Act, as I have set out. The government does not intend to provide Qantas with a debt guarantee. We do not intend to pick winners or play favourites. We are going to give everyone the same fair chance. How Qantas responds to the removal of—

Senator Cormann interjecting—

Senator Wong interjecting—

The PRESIDENT: Order, on both sides! If you two wish to debate the issue, you can go outside.

Senator JOHNSTON: How Qantas responds to these changes in its regulatory environment is a commercial matter for the board and management of Qantas. It is in the commercial interests of airlines seeking access to Australian international traffic rights to ensure that they are majority Australian owned, as I am sure the senator knows and understands. These matters are commercial matters for Qantas. (Time expired)

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:07): My question is to the Minister representing the Minister for Immigration and Border Protection. On the night of Monday, 17 February, a young man, Reza Berati, from Iran, was beaten to death on Manus Island while in the care of the Department of Immigration and Border Protection. My question is: has the Minister for Immigration and Border Protection contacted Mr Berati's family personally and has he apologised to his relatives?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:07): I thank Senator Hanson-Young for her question. The Minister for Immigration has put on the record the condolences of the government in relation to the death of this person. This is, without a doubt, a tragic situation. Senator Hanson-Young is also aware, through copious questioning of the government through the estimates process, that both the PNG and Australian governments have commissioned reviews into the events of Sunday, 16 February, and Monday, 17 February, at the Manus offshore processing centre.

I can advise the Senate that the PNG authorities, with assistance from Australian specialists, have conducted an autopsy in Port Moresby. The deceased's next of kin have been...
advised and the Australian government is assisting the family in repatriating his remains and personal effects.

As I stated, this is a tragedy, and the Minister for Immigration has put on the record the condolences of this government.

Senator HANSON-YOUNG (South Australia) (14:09): Mr President, I ask a supplementary question. Can the minister guarantee to the chamber that the person who killed Reza Berati is no longer working in the immigration detention centre on Manus Island?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:09): This is a question that Senator Hanson-Young also asked at the recent Senate estimates hearing. The response that was given at the Senate estimates hearing has not changed. Senator Hanson-Young will be aware that both the PNG and Australian governments have commissioned a review into the events of Sunday, 16 February, and Monday, 17 February 2014, at the Manus Island processing centre. We are currently awaiting the outcome of the review.

Senator HANSON-YOUNG (South Australia) (14:09): Mr President, I ask a further supplementary question. For the record, at the estimates session the government could not guarantee that the person who killed Reza Berati was no longer in the centre—

The PRESIDENT: Order! No, it needs to be a question, Senator Hanson-Young.

Senator HANSON-YOUNG: Could the minister explain why the Minister for Immigration and Border Protection did not visit Manus Island on the weekend, despite visiting PNG and Port Moresby?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:10): I think Australians are well aware that this minister has visited Manus Island, Port Moresby and Nauru, more than any other minister for immigration.

Qantas

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:10): My question is to the Leader of the Government in the Senate and the Minister for Employment, Senator Eric Abetz. I refer to the government's decision last night to agree to Qantas' request to unshackle it by repealing part 3 of the Qantas Sale Act. What benefits will this have for Australian consumers and workers? Why is it important for this parliament to pass any legislation that boosts Australia's productivity and creates more jobs?

Senator Kim Carr: Oh, really! It benefits South China Airlines!

The PRESIDENT: Order! On my left!

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:11): I can inform Senator Bushby that the government is working to give Qantas the freedom to remain a strong and competitive airline that flies more Australians and employs more Australians.

Australians want a strong and competitive Qantas. The existing Qantas Sale Act places restrictions on Qantas that advantages its competitors and disadvantages Qantas. As soon as possible, legislation will be introduced to remove these restrictions. Removing these restrictions would position Qantas to be more competitive and better able to compete with international airlines.
disadvantages is the best way to ensure Qantas can secure Australian jobs now and into the future.

These reforms will not only give Qantas the best chance of continued growth but they will also give Qantas workers the best chance of job security. A viable airline makes for viable jobs. What is good for Qantas will also be good for its workers.

If Labor is genuinely concerned about job losses, it should support the government's decision to unshackle Qantas. As Martin Ferguson said some 12 years ago, 'Labor is on the record as having an open mind on the relaxing of the 49 per cent foreign ownership cap on Qantas, and we recognise that without significant capital investment the airline is putting at risk its future.' Regrettably, based on comments to date, Labor would have the Australian public believe that simply throwing money at an airline will be the panacea to its every ill. We want to give Qantas a hand up, but Labor wants to give it a taxpayer-funded handout.

Twenty years ago, former finance minister Ralph Willis rightly said that the Commonwealth cannot countenance the possibility of it still being potentially liable for a $1 billion Qantas debt. Today, Labor, want a $3 billion— (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:13): Mr President, I ask a supplementary question. Can the minister advise the Senate of other steps the government is taking to boost Australia's productivity and to create more jobs? And what obstacles are there to implementing those measures?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:13): I thank Senator Bushby for his concern about jobs. The fundamental job of government is to ensure that our economy is as strong as possible, and that means getting the fundamentals right. That means getting taxes down—

Senator Cameron: It's not the NBN in Tasmania! He won't be saying that will he?

Honourable senators interjecting—

The PRESIDENT: Order! On both sides! Senator Cameron! Senator Abetz is entitled to be heard in silence.

Senator ABETZ: As shown by those interjections, Mr President, regrettably, Labor is recklessly and willfully blocking legislation that will create jobs. Sitting before this Senate now is legislation to repeal the carbon tax, the removal of which would be, according to Virgin Australia CEO, John Borghetti:

The best assistance the government and opposition can provide …

The best thing parliament can do for airline jobs, manufacturing jobs, agricultural jobs and resource jobs right now is to axe the carbon tax. But this Greens-Labor opposition pays lip service to jobs and refuses to respect the wishes of the Australian people. It is time for Labor to get the message: Australians voted for a change of government— (Time expired)

Senator BUSHBY (Tasmania—Deputy Government Whip in the Senate) (14:15): Mr President, I ask a further supplementary question. Could the minister please elaborate on any further policies that form part of the government's economic reform agenda and on why it is important for this Senate to not obstruct the passage of legislation?
Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:15): We have already introduced vital legislation to repeal the carbon tax, to repeal the mining tax and to restore the Australian Building and Construction Commission, all of which form part of the government's economic agenda. Restoring the Australian Building and Construction Commission will result in a $6,000 million economic welfare gain and an increase in productivity in that sector by 10 per cent. Repealing the mining tax will deliver billions of dollars worth of savings to the budget over the forward estimates.

The opposition parties have a choice. The ball is in their court. They can continue to be resentful of the choice of the Australian people on 7 September or they can actually help in the restoration of the economy. Stop blocking the repeal of the carbon tax, stop blocking the repeal of the mining tax, stop blocking the restoration of the ABCC and do not even countenance blocking the government's legislation to give Qantas— (Time expired)

Qantas

Senator STERLE (Western Australia) (14:16): My question is to the Minister representing the Treasurer, Senator Sinodinos. I refer the minister to the four criteria the Treasurer outlined on 13 February regarding government support for Qantas. Didn't the Treasurer confirm on that day that Qantas had met all criteria? I ask you, Minister Sinodinos, what changed between 13 February and the cabinet meeting last night?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:16): I thank the honourable member for his question and indeed for the interest he shows in transport matters. Before I get to the question, can I also take the opportunity to mark the fact that today is International Women's Day. We had a function in that regard this morning, and I think it is appropriate that we do that. I congratulate both the Leader of the Opposition and the Prime Minister for the speeches they made on that topic this morning.

Senator Pratt: International Women's Day is on 8 March.

Senator SINODINOS: Well, we commemorated it today.

Honourable senators interjecting—

The PRESIDENT: Senator Sinodinos, resume your seat. When there is silence on both sides, I will call the minister. Senator Sinodinos.

Senator SINODINOS: On the question of Qantas, the Treasurer did lay down four criteria, but the first preference of Qantas had been to remove, as my colleagues have described it, the shackles of the Qantas Sale Act and give them a capacity to lower their cost of capital by being able to bring in more capital, including from overseas.

It is passing strange that, when this government takes action to create a level playing field, all the opposition can argue about is whether four criteria were met, when, with respect to the overriding criterion, the Treasurer had made the point that there may be interim steps if it is not possible to remove those restrictions. But the cabinet made a decision that those restrictions should be removed. That is their first preference. If the other side of the house cooperates, that can happen, just as the other side of the house should cooperate in allowing this government to meet its election commitments around the carbon tax, the mining tax—and we go through the list.
Senator STERLE (Western Australia) (14:19): Mr President, I ask a supplementary question. Can the minister confirm that the government engaged the services of one of the big four accountancy firms as part of a due diligence process relating to a possible debt guarantee for Qantas, and can the minister also confirm that a debt guarantee for Qantas was under active consideration by the government as late as yesterday?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:19): Processes leading up to a cabinet decision are not the same as a cabinet decision. We now have a decision of the government.

Honourable senators interjecting—

The PRESIDENT: Order! If senators on my left and on my right wish to debate this issue, the time for debate is after three o'clock.

Senator SINODINOS: The Treasurer indicated yesterday that Qantas are in a fundamentally sound position and, in order to level the playing field, unshackling them is the very best option. So there is no point arguing about process. A decision has been made; we want to take the airline industry forward. One regulatory framework covering the industry as a whole is in the interests of all Australians.

Senator STERLE (Western Australia) (14:20): Mr President, I ask a further supplementary question. If the criteria were met on 13 February, why is the government prepared to do nothing and see thousands of Australian jobs disappear overseas?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:21): Because this is a consistent government and we have indicated consistently that we will level the playing field. The best way to level the playing field—

Opposition senators interjecting—

The PRESIDENT: Senator Sinodinos, resume your seat. When there is silence on my left, we will proceed. Senator Sinodinos.

Senator SINODINOS: Remember a level playing field—you have competitors in a particular space. We are taking some of the shackles off Qantas, allowing them to better compete against their rivals. If you were true to your word, the logic of your position would be that you would renationalise Qantas; but Ralph Willis belled the cat 20 years ago when he said it was better to put public capital into health, education and welfare than into airlines. That is why Qantas and TAA were sold 20 years ago.

Qantas

Senator EDWARDS (South Australia) (14:22): My question is to the Minister for Defence, representing the Minister for Infrastructure and Regional Development, Senator Johnston. Will the minister update the Senate on how the repeal of part 3 of the Qantas Sale Act will continue to preserve Australian jobs while strengthening the competitiveness of Qantas?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:23): I thank the senator for his question and acknowledge, as a South Australian senator, his particular interest in the domestic airline industry. May I answer the question by saying, firstly, that Qantas is a great airline; Qantas is a great Australian airline. It is going through tough times, as are its workers, their families and those who are associated with Qantas contractually. It is a very
difficult time for them, as we have observed with the losses that they have incurred in the first half of this financial year.

But the airline plays and will continue to play a key role in servicing many of our cities and regional towns. It also is an important national icon for Australia internationally. The government must do what it can to ensure that Qantas is able to operate in an environment that allows it to compete with other domestic and international carriers and to provide for Qantas's growth and stability into the future.

The Air Navigation Act of our country ensures that Australian international airlines have to be majority Australian owned. Our air services agreements ensure that international airlines are chaired by Australians; at least two-thirds of the board members must be Australians; the head office of such an airline must be in Australia; the operational base must be in Australia; and the airline must be substantially owned and effectively controlled by Australians.

At the moment, Qantas cannot compete against its competitors in a highly competitive market because of the Qantas Sale Act. We seek to fix that and level the playing field for this great Australian airline. We want to see them succeed. We want to support them. There are people here in this chamber who do not. (Time expired)

**Senator EDWARDS** (South Australia) (14:25): Mr President, I ask a supplementary question. Can the minister advise the Senate of any other support for the repeal of part 3 of the Qantas Sale Act?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (14:25): Some of us will remember Labor's former resources minister and former tourism minister, Mr Martin Ferguson. He is a person for whom I have some great respect. He supports the changes, you will be surprised to know, to the Qantas Sale Act. He said on 28 February this year:

> If we need some more foreign investment in Qantas subject to—all of the normal requirements of the Navigation Act or changes to the Qantas Act, then so be it …

And further:

> It's about what's required to maintain Qantas.

Way back in 2002 and 2004, as shadow minister, he said, 'Labor is on the record as having an open mind on the relaxing of the 49 per cent foreign ownership cap on Qantas, as we recognise that without sufficient capital investment the airline is putting at risk its future international and domestic competitiveness.' There it is, from Martin Ferguson. Why can't others see that?

**Senator EDWARDS** (South Australia) (14:26): Mr President, I ask a further supplementary question. Will the minister inform the Senate on further impediments that are impacting Qantas and the airline's profitability? How does the government's proposed changes to the Qantas Sale Act allow Qantas to compete fairly with others in the market and provide an opportunity for Qantas to expand and grow with confidence?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (14:27): I thank Senator Edwards for his supplementary question. There is one very important impediment to preserving Australian jobs in the aviation industry in this country. We all know what that is. It is the carbon tax and its repeal. This is a highly competitive industry. Let us just take the
regional airline Rex. Rex is paying $1.3 million in the first half of this financial year for the carbon tax. It is absolutely dead money and a millstone around its neck. Virgin is paying $27 million in the first half of this year for the carbon tax. Qantas is paying $106 million for the carbon tax for the year.

The point is that someone needs to get off the hose so these airlines can compete properly. I ask the Labor Party to consider their position. (Time expired)

**Hazelwood Coalmine**

Senator DI NATALE (Victoria) (14:28): My question is to the minister representing the Prime Minister, Senator Abetz. My question is related to the ongoing disaster at the Hazelwood coalmine in Morwell, Victoria. The potential threat to the health of the residents was immediately obvious when this fire began on 9 February. Residents have been exposed to smoke containing dangerous levels of particulate matter and other toxic substances. They have been told to avoid exposure to this toxic smoke, yet until recently they were denied any assistance or support to evacuate.

Minister, when was the government contacted by the Victorian Premier? Why did the Prime Minister wait until just last weekend to announce limited Commonwealth assistance? And what further assistance will the government make available for the residents of Morwell?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:29): I will try to answer all of the questions that the honourable senator has asked in relation to when there was contact between the Prime Minister and the Premier. That I do not know from the brief that I have before me. But I can inform the Senate that, on Sunday 2 March, the Prime Minister announced that relocation payments will be made available to assist eligible local residents in Morwell's south to temporarily relocate to avoid exposure to smoke and ash from the fires currently burning. Temporary relocation payments of up to $1,250 per week are available to eligible households under the joint funding arrangement. The package is a joint initiative between the Commonwealth and Victorian governments under the natural disaster relief and recovery arrangements. Residents seeking assistance are advised to contact the Department of Human Services on their hotline 1800006468.

Senator DI NATALE (Victoria) (14:30): Mr President, I ask a supplementary question. The owner and operator of the mine, GDF Suez, have refused to take responsibility for the Morwell coal fire disaster as we speak. Will the government hold the mine owners to account by ensuring that they pay for the damage caused by the fire, for the emergency response effort and for the costs incurred by the Commonwealth? Will the government consider revoking carbon permits issued to the mine operator equivalent to the emissions this ongoing fire has caused?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:30): Once again we have a whole range of questions from the senator. Until we know the actual reason for the fire causation et cetera I think it is somewhat premature to assert who should pay and who should be held accountable and responsible. I think due process should take place, and I am sure that, in cooperation with the Victorian government, it will take place. In fact, I understand that there has been an inquiry announced by the Victorian Premier in relation to
certain matters regarding this very, very unfortunate situation that exists with this coal fire. What I would simply say is let's not jump the gun, let's not talk about revoking carbon permits et cetera. Let's wait to see causation, circumstances et cetera and then take a cool and considered approach. (Time expired)

**Senator DI NATALE (Victoria) (14:32):** Mr President, I ask a further supplementary question. Minister, in the light of the coal fire disaster at Morwell will the government respond to last August's report by the Senate Community Affairs References Committee into the health impacts of poor air quality by adopting all of its recommendations, including improving air quality standards and monitoring, especially for people who live near coal fired power stations, and reducing coal dust exposure for families who live near coalmines and coal transport corridors?

**Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:32):** It might surprise all honourable senators that I am not fully acquainted with all the recommendations of the Senate community affairs committee report—I apologise to the honourable senator and the Senate for that—and, therefore, I am not willing to commit the government to all the recommendations of that Senate committee report. But I understand that the committee is ably chaired by one of your fellow Greens, so we will give that report due consideration, and as is the wont with all Senate committee reports, the government will respond in due course.

**Assistant Minister for Health**

**Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:33):** Can the minister confirm that, late on the afternoon of 5 February 2014, her office made no fewer than four telephone calls to her department demanding that the health star-rating system website be taken down? Can the minister advise whether those calls were made before or after the CEO of the Australian Food and Grocery Council telephoned the minister's office complaining about the publication of the website?

**Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:34):** I would enlighten the Senate that these issues were canvassed at length during the Senate estimates process. I realise not everybody was able to watch the three hours—at least—of Senate questioning from Senators Faulkner and Wong at the Senate estimates process. I indicate to the chamber that there were a number of conversations that my office and I had with the department around taking down the website. This has been canvassed at length, as the senator would well know. The reasons for taking down that website are also well known and have been canvassed at length. I would refer the senator to any number of entries in the *Hansard*—

**Senator Moore:** Mr President, I rise on a point of order about relevance. It was quite a specific question about timing: was it before the process or after? I ask you to draw the minister's attention to the question.

**The PRESIDENT:** I am listening to the minister's answer closely. The minister is addressing the question. I cannot tell the minister how to answer the question. The minister still has one minute and three seconds remaining to address the question.

**Senator NASH:** I would just inform the Senate again of the reasons for taking down the website. The cost-benefit analysis was not completed. The oversight advisory committee—
Honourable senators interjecting—

The PRESIDENT: Order! This is not a time to debate the issue. There are procedures here. You stand and take a point of order.

Senator Wong interjecting—

The PRESIDENT: Order! Senator Moore is on her feet seeking to take a point of order, Senator Wong. Senator Moore.

Senator Moore: Again, my point of order is on relevance. We want not a rehash of what happened but the timing: was it before or after?

The PRESIDENT: Order! The minister still has 49 seconds, and I do draw the minister's attention to the question.

Senator NASH: Secondly, the oversight advisory committee had yet to complete the advice to the forum about the anomalies.

Senator Moore: Mr President, on a point of order, again specifically on relevance: the question has been asked. The minister has had her attention drawn to the question. The question is: before or after?

The PRESIDENT: As I have said before, I cannot instruct the minister or tell the minister how to answer the question. I did draw to the minister's attention, at the 49-second mark of time remaining in this answer, to the need to address the question. The minister now has 40 seconds and I draw the minister's attention to the question.

Senator NASH: Thirdly, the communication and education strategy that would need to go with the launch of any website had not been completed. I directed the website—

Senator Moore: Mr President, again, on a point of order on relevance: there are now 28 seconds remaining, and the question was specifically, as you had drawn the minister's attention to: before or after?

Senator Ian Macdonald: Mr President, on the point of order: clearly, the Labor Party are not interested in asking questions. They just want to waste time with points of order. But, clearly, the minister was actually going through the process, all of which she went through ad infinitum at the estimates, when Senator Wong could not bother to or did not have the intelligence to get—

The PRESIDENT: That is not a point of order.

Senator Ian Macdonald: No, I'm answering the point of order that was raised.

The PRESIDENT: No, no. That is not necessary.

Senator Ian Macdonald: I am responding to it.

The PRESIDENT: It is not a debating time, Senator Macdonald, and you are—

Senator Ian Macdonald: Well, I'm responding on why it is not a point of order—

The PRESIDENT: well aware of that. There is no point of order on your part, Senator Macdonald.

Honourable senators interjecting—

The PRESIDENT: Order! I have already said now three times I cannot instruct the minister or tell the minister how to answer the question. The minister still has 28 seconds
remaining and I have drawn to the minister's attention now on two previous occasions the need to address the question. The minister has 28 seconds remaining to address the question.

Senator NASH: So it was my decision, and mine alone, to remove the website. The actual timing of any phone call in my office—I do not have that information to hand.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:40): Mr President, I ask a supplementary question. Who did the CEO of the Australian Food and Grocery Council speak to when he called the minister's office to complain about the health star-rating system website?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:40): I would need to take that question on notice for the reasons—

Opposition senators interjecting—

Senator Cormann: Do you know every person who answers the phone in your office?

Opposition senators interjecting—

The PRESIDENT: Order!

Honourable senators interjecting—

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

Senator NASH: As I indicated to the Senate, I would need to take that question on notice (a) to ensure the fact that the CEO did call my office and (b) to ensure I give correct information to the Senate.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:41): Mr President, I ask a further supplementary question. Is the minister aware that Mondelez, client of Australian Public Affairs, which was owned by her chief of staff and his wife at the time the call was made, is represented on the board of the Australian Food and Grocery Council?

Senator Ian Macdonald: Mr President, on a point of order: I ask for your ruling on whether this relates to the minister's portfolio area and the policy for which question time is set up.

The PRESIDENT: There is no point of order.

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:42): Unfortunately, the senator is ill informed and the premise of her question is entirely wrong. Mondelez has not been a client of APA since my former chief of staff worked for me. APA did no work for Mondelez. I cannot be any clearer than that.

Budget

Senator WILLIAMS (New South Wales) (14:43): My question is to the Assistant Treasurer, Senator Sinodinos. Will the Assistant Treasurer outline to the Senate the unsustainable budgetary position left by the former government?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:43): I thank the honourable senator for his question and for his interest in matters of economics and finance, not just those with an agricultural event. When we talk about an unsustainable budgetary position we mean that, if the budgetary position is allowed to remain as it is, it will mean that
The Mid-Year Economic and Fiscal Outlook delivered in December last year showed the extent of the legacy left by the previous government, with a deficit of $47 billion in 2014, $123 billion in budget deficits over the forward estimates period, a deterioration of $68 billion since the Pre-election Economic and Fiscal Outlook. What is more, in the absence of significant policy changes, the budget will not return to surplus for more than a decade, and debt will reach $667 billion in 2023-24. The fact is that Labor presided over the fastest deterioration in debt, in dollar terms and as a share of GDP, in modern Australian history. In the recent IMF report it was projected, on present policy, that over the next five years, from 2012 or 2013, we would have the fastest growth in public spending for Western countries.

So getting the budget under control will be challenging, but the coalition is up to the task and we will bring spending under control. But in doing that we are determined to deliver on important initiatives like the National Disability Insurance Scheme, which will benefit hundreds of thousands of people with disability. And we are committed to delivering a surplus of one per cent of GDP within a decade.

Senator Conroy interjecting—

Senator SINODINOS: Thank you for that interjection, because it gives me an opportunity to say that we will also deliver on a fair dinkum paid parental leave plan, championed by our leader, the Prime Minister. (Time expired)

Opposition senators interjecting—

The PRESIDENT: Order! Senator Conroy! Senator Cameron! When there is silence on my left we will proceed.

Senator WILLIAMS (New South Wales) (14:46): Mr President, I ask a supplementary question. Will the Assistant Treasurer advise the Senate of what steps the government is taking to rebuild the fiscal position inherited from Messrs Swan and Bowen?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:46): The Commission of Audit is an important step in addressing Labor's budget legacy. The commission has examined spending line by line to ensure that taxpayers will see value for money and to identify overlaps and inefficiencies. By cutting waste to streamline public services and by providing strong and competent leadership, the government can then provide much-needed resources to areas of need. The coalition took $42 billion worth of savings to the election and we added a further $1.1 billion worth of savings in MYEFO. But the Labor Party, sadly, has declined to accept the mandate of the Australian people.

And this includes fixing the budget. Labor is opposing around $20 billion of savings, including $5 billion of the savings they proposed before the election, cancellation of the 2015-16 tax cuts linked to the carbon tax, higher education savings and savings from changes to the R&D tax credit. (Time expired)

Senator WILLIAMS (New South Wales) (14:47): Mr President, I ask a further supplementary question. Will the Assistant Treasurer advise the Senate why it is critical that the government's election mandate be respected and that it be allowed to get on with the job of implementing policies that will increase the rate of economic growth?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:48): We do need to increase the rate of economic growth, because growth is sub-trend at the moment and we are
making the transition from growth largely based on the mining part of the economy to growth based on the non-mining sector. What will help there is if we start with the abolition of the mining and carbon taxes. Last year the carbon tax imposed a $7.6 billion burden on business but reduced carbon emissions in its own right by only 0.1 per cent. On Friday the head of Virgin Airlines made it crystal clear that the carbon tax was a direct hit on the bottom line of airlines, because the costs could not be passed on in full in the current competitive environment. We are creating a climate that will boost investment, particularly in infrastructure. We are going to change the focus of government expenditure so that there is more focus on job-creating infrastructure that also improves our international competitiveness and our productivity. This will allow private businesses to spend more time innovating, creating wealth and becoming profitable.

Water

Senator CAMERON (New South Wales) (14:49): My question is to the Assistant Treasurer, Senator Sinodinos. I refer the Assistant Treasurer to his answer to a question yesterday concerning his dealings with Australian Water Holdings. Noting that the Assistant Treasurer has had 24 hours to reflect on his answer, did the Assistant Treasurer attend a meeting with the chief of staff to the Premier of New South Wales on Wednesday 28 September 2011?

The PRESIDENT: As I said yesterday, the minister can answer the question in so much as that applies to the minister's portfolio.

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:50): I have nothing to add to the answers I gave yesterday and I refer you to my ministerial statement.

Senator CAMERON (New South Wales) (14:50): Mr President, I ask a supplementary question. I remind the minister that he made this statement to the Senate:

I played no role in the awarding of the January 2012 contract to AWH by Sydney Water. In that context I ask again: did the Assistant Treasurer attend a meeting with the chief of staff to the Premier of New South Wales on Wednesday 28 September 2011?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:51): I made a statement on 28 February. I stand by that statement. It relates to my dealings in this matter, in the context of the Senate, and I stand by the statement.

Honourable senators interjecting—

The PRESIDENT: Order! On both sides!

Senator CAMERON (New South Wales) (14:52): Mr President, I ask a further supplementary question. Will the Assistant Treasurer provide a full account of his dealings with the contract awarded by Sydney Water to AWH without public tender in January 2012?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:52): I quote from my statement of 28 February: I played no role in the awarding of the January 2012 contract to AWH by Sydney Water. I was by then in the Senate and Mr Michael Costa, who succeeded me as chairman, was responsible for securing that agreement.

I understand from public statements by New South Wales government ministers that this process was conducted at arm's length between the two parties to the contract: AWH and
Sydney Water. The statement is here. It is in *Hansard*. Read it. I will get it for you in large type. There it is.

*Opposition senators interjecting—*

**The PRESIDENT:** Order! Senators on my left!

*Senator Kim Carr interjecting—*

*Senator Conroy interjecting—*

*Senator Brandis interjecting—*

**The PRESIDENT:** Senators Carr and Conroy and Senator Brandis! I am waiting to call Senator McKenzie.

**Broadband**

**Senator McKENZIE** (Victoria—Nationals Whip in the Senate) (14:54): My question is to the Minister representing the Minister for Communications, Senator Fifield. Can the minister outline to the Senate the key barriers holding back access to the internet in Australia?

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:54): Mr President—

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Senator Fifield, just resume your seat. When there is silence, we will proceed. We might need to conduct an investigation as to what was in the water today. A number of people on both sides seem to be a little excited.

**Senator FIFIELD:** Thank you, Mr President. The question was the key barriers to holding back access to the internet in Australia, and I can give the answer in two words: Senator Conroy. If we were to think for a moment that Senator Conroy had decided to stop being an impediment to good policy, we would have been disabused of that in the communications estimates hearing last week. We are all aware of Senator Conroy’s contribution in the Defence estimates, but he got limbered up before that in the communications estimates where he accused prominent, distinguished Australian Dr Ziggy Switkowski of being a liar. Shame, Senator Conroy, shame!

As to the barriers over the last two years to internet access: Senator Conroy has been amongst the most prominent. There was his handling of the NBN network, his inability to face the truth—

*Senator Conroy interjecting—*

**The PRESIDENT:** Order! Senator Conroy!

**Senator FIFIELD:** Thank you, Mr President. Senator Conroy, as we know, has mishandled the NBN. He has been incapable of facing the truth. And what that means is that this government inherited not just the financial mess but also a company that failed to make inroads in improving broadband services in Australia. The NBN has not just failed in the rollout of fibre, with less than three per cent of premises connected after six years of Labor. There is also the interim satellite scheme, where $351 million has been spent delivering dial-up speeds. Labor’s handling of the NBN is being revealed progressively as a financial scandal, as we know, because of the billions wasted, and as a political scandal because of the misrepresentation by those opposite before the last election.
As the various reviews and audits come out, more will be revealed. But what is clear is that the NBN scandal under Senator Conroy dwarfs the likes of the State Bank debacle in Victoria, the Bank of South Australia— (Time expired)

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (14:57): Mr President, I ask a supplementary question.

Honourable senators interjecting—

The PRESIDENT: Order! Just wait a minute, Senator McKenzie. On both sides: Senator McKenzie is entitled to be heard in silence.

Senator Ian Macdonald interjecting—

The PRESIDENT: Order! Senator Macdonald! I am waiting to give Senator McKenzie the call.

Senator McKENZIE: Thank you, Mr President. Can the minister inform the Senate how affordability affects households' access to broadband?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:57): Nothing about Labor's NBN was more scandalous than that it ignored the effect of the high prices that would be paid by poorer Australians. Statistics released by the ABS last week confirm that affordability is the single biggest barrier to broadband access in the home. The ABS found that households in the poorest income quartile were more than 10 times less likely to have access to the internet at home than those in the wealthiest quartile. The ABS also found that those in the top income bracket were more likely to access a smartphone or a tablet at home. This was true of 42 per cent of total households in the top income bracket compared with 24 per cent in the bottom bracket.

Labor's NBN treated the interests of the least-well-off households with contempt. We know from the NBN strategic report released in December that, if the NBN had been completed according to Labor's specifications, it would have led to an increase of— (Time expired)

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (14:58): Mr President, I ask a further supplementary question. Thank you, Minister, for a comprehensive answer. Can the minister outline to the Senate the consequences for Australian families of failing to bring the costs of the NBN under control?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:59): If we fail to fix Labor's mess, which forecast that families would be hit with an increase of up to 80 per cent in the cost of their monthly broadband bill, we would be remiss indeed. For a typical household that would be a rise of $43.

That was Labor's broadband policy: a $43 per month increase in prices, taking broadband further out of the reach of the least affluent Australians. That is still the Labor Party's broadband policy, even after the true cost of the policy was laid in an independent report out for everyone to see. Senator Conroy still wants to make it even more expensive for the least well-off to participate in the digital economy. In contrast, affordability continues to be a key area of concern in terms of this government's broadband policy. By using a multitechnology mix we will get the NBN finished four years sooner and at $32 billion less cost. Those
opposite will be held accountable for the NBN today, at the next election and for years to come. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Qantas

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:00): I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Johnston) and the Assistant Treasurer (Senator Sinodinos) to questions without notice asked today.

The government of Australia at the moment is playing politics with Australians' lives. If you look at what has occurred in this country since September last year, we have a litany of failures to support Australian families and Australian jobs, putting pressure on families' mortgages. We have a government that is prepared to goad Holden into announcing it was leaving Australia. Mr Hockey stood on the floor of the other place and goaded Holden. And what did Holden do? They followed Mr Hockey's lead and closed their business. Those opposite stood in silence as Toyota announced they were closing their doors because the ecosystem of the motor industry had collapsed—because of this government's indolence. Then, when it came to the closing of Alcoa, what did we hear? Absolutely nothing. With SPC, they tried to blackmail the company into cutting wages. In Tasmania we have contractors going to the wall, because those opposite, including Senator Bushby, said they were going to build fibre to the home—guaranteed—for every Tasmanian. What have we got? Contractors protesting in the streets of Tasmania and going broke, because this government misled them before the last election. And we have the defence shipping industry saying to this government right now that unless you give us some work thousands more Australians will lose their jobs. But, no, if you are a mate of the former chief of staff of Senator Nash or if you are a mate of Cadbury, you will get government money—lots of government money. Those opposite should hang their heads in shame that they are allowing thousands upon thousands of Australian families, and the jobs that support them, to be smashed on the altar of their free-market ideological rhetoric.

The Minister for Defence knows that there are up to 4,000 jobs on the chopping block unless he gets his act together and starts delivering some work for our defence shipping industry. It is quite extraordinary that a government is going to companies and telling them, 'You are not getting a handout unless you start slashing wages'—because that is what this government really believes. They believe it is the fault of the workers in the enterprises—they are to blame when it comes to why the companies are not doing well.

When those companies talk to the government and need assistance, what do they get? They get free-market, flat-earth ideology. This ideological campaign is putting thousands of workers on the scrap heap, except if you are in Tasmania and you work for Cadbury. When it comes to Qantas, what promises have been made over the last few weeks? What promises have been going on behind closed doors? That is what this government needs to stand up and be honest about. What promises were made to Qantas? What promises did Mr Hockey make? What promises did Mr Truss make? And what happened last night in cabinet when they got rolled? This is what Mr Truss said in December in relation to the Qantas Sale Act:
It would simply be a waste of time and political energy, when it is obvious that I think the majority of the Australian people and certainly the majority of the people elected to the parliament at the present time, especially in the Senate, do not favour that course of action.

And what did the cabinet come up with last night? They want to repeal the Qantas Sale Act. This is just another political stunt.

And here is Senator Bushby, just walking back into the chamber—the man who before the election promised every Tasmanian that they would get fibre to the home. He is the man responsible for contractors losing their jobs today in Tasmania, based on the promise that Senator Bushby made to them. *(Time expired)*

**Senator COLBECK** (Tasmania—Parliamentary Secretary to the Minister for Agriculture) *(15:06)*: If that is supposed to be a confidence booster for Senator Conroy after the debacle of his disgraceful performance in Senate estimates last week, he has a long way to go to redeem himself.

In regard to some of Senator Conroy's comments in respect of Tasmania and the Tasmanian economy, if you want to see an economy that has been devastated by the Labor Party, in partnership with the Greens, have a look at the Tasmanian economy. Tasmania, whose economy has been absolutely done over by the Labor Party over recent years in government, particularly in partnership with the Greens, both at a federal and a state level, is the state that shows how not to operate. Senator Conroy talks about NBN contractors in trouble in Tasmania. I will tell you why they are in trouble in Tasmania: it is because of the rates they were offered under Senator Conroy's contracts to construct the NBN, rates at which they could not make any money. That is why the contractors have problems. They invested tens of thousands of dollars in equipment to build the NBN and then they could not make money.

Then of course there is the issue of asbestos in pits that Senator Conroy did not contemplate. Talk about a debacle, a mess, that was left behind by Senator Conroy in the previous government and the destruction of the Tasmanian economy by the Labor Party in combination with the Greens over the last four years. Senator Conroy has absolutely no idea. If that is supposed to be a confidence boost with his return after last week, I can tell you it is a pretty poor effort.

With respect to the comments Senator Conroy made about Senator Bushby's commitments in Tasmania, what the coalition committed to in Tasmania was to meet the NBN contract. The issue that we have in Tasmania, as I have just been saying, is that the contractor does not want to meet the contract because they cannot make any money out of the rates that they were forced into under the NBN deal. Senator Conroy tries to portray this as a breach of promise by the coalition, yet it is a failure of the previous government in their set-up of the NBN and a complete misrepresentation of what was going to be offered to the Tasmanian people as part of their rollout of the NBN. It is a complete and utter failure.

With respect to the issue of the day—that is, Qantas—the Labor Party just do not get it. They expect a 21st century business to run on last-century regulation.

**Senator Kim Carr interjecting**—

**Senator COLBECK:** Senator Kim John Carr should listen to what is being said here—

**Opposition senators interjecting**—

**The DEPUTY PRESIDENT:** Use the correct title, Senator Colbeck.
Senator COLBECK: Mr Deputy President, it is his correct title. That is his correct name. I am using his full name in the context of this debate. Senators can jump to their comrade's defence; I am using Senator Carr's correct title. I acknowledge the standing orders about the use of a correct title and I am using his correct title. The Labor Party could do very well to look at what is happening. They expect a 21st century airline to run on regulation of last century. They expect—

Senator Kim Carr: China Southern will fix it for you.

Senator COLBECK: You might like to go back to those days, Senator Carr. Senator Carr and the Labor Party want a 21st century airline to run on a regulatory environment of last century. They talk a lot about the 21st century and policy for the 21st century, but, when it comes to application, what do they do? They continue to do what they have done in the past; they continue to apply cost and regulation to industry and expect it to thrive. That is the policy of the Labor Party. They will not even listen to people from their own side of politics who understand how the economy works—people like the former member Mr Ferguson who has a commercial understanding—

Senator Sterle: Isn't he singing for his supper now!

Senator COLBECK: Senator Sterle, I have to say: I have always had a lot of respect for Mr Ferguson because he understands the commercial world. He is not lost in the past. If you look at what is happening in the Labor Party right now, you will see it will be a long time before any industry or business in this country is going to get any sensible policy out of the Labor Party, because they are still lost in the last century. Despite talking about policy for the 21st century, they are nowhere near it. (Time expired)

Senator CAMERON (New South Wales) (15:11): Listening to Senator Colbeck make that pathetic defence of the loss of 60,000 jobs in the economy is just mind-boggling, I must say. It is absolutely pathetic. We get a personal attack from Senator Colbeck when he should be talking about the jobs of workers at Qantas and trying to defend the government's decision about Qantas. I know why he has done what he has done. It is because the decision is absolutely indefensible. Surely you could have done better than that performance, Senator Colbeck?

When you repeal the Qantas Sale Act, you repeal the position of the maintenance of airlines in this country. You destroy the jobs of skilled maintenance workers in this country. We have over 6,000 skilled personnel in the Qantas engineering and maintenance area. The reality is that as soon as that sales act is lifted the engineering and maintenance of Qantas planes will be in Singapore, Hong Kong or elsewhere. They will not be here. They will be there because this government is not prepared to recognise the importance of a strong engineering and maintenance base for the airline industry in this country.

I heard some of the coalition senators talk about having to be competitive—'Just be competitive and everything will be okay.' Qantas said they established their maintenance facility back in 1920. There are 6,000 personnel employed now and over 300 apprentices. It is one of the biggest employers of apprentices in this country—and what did the coalition do? They just wiped them off the face of employment in this country, because they have no strategy for jobs in this country. Qantas say that their engineering standards are world-class, that their safety, quality, reliability and service is world-class. The big issue—and we have
heard it time after time from the opposition—is that they do not want unionised workers and they do not want unionised workers earning a decent quid. They would sacrifice the maintenance jobs for the airline industry in this country on the altar of their ideology. There is absolutely no doubt about it. If another organised union shop bites the dust because the government is not prepared to help an icon company, so be it. Six thousand jobs could go to Singapore or Hong Kong—it will not matter; the opportunities for young Australians in the airline industry will be gone.

This is because this government have no idea about the reality of global trade and the global economy. They talk about everything as if it is simply some theoretical economic debate based on the economic philosophies of some right-wing ideologue from centuries ago. That is where they are at.

Let's look at the reality that Qantas is facing in the engineering and maintenance area. Advertised on the Careerjet website today were positions for an airstream technician and an engine technician. The salary was from $2,200 to $2,500 per month. That is the reality of global competition. What do the coalition say? They say, 'You need to match that $2,200 a month.' It is less than the minimum wage in Australia. A skilled technician in Singapore and Hong Kong is earning less than the minimum wage in Australia.

We have an airline that is so important to this country and our future, and they are going to let it go. (Time expired)

Senator FAWCETT (South Australia) (15:16): I rise to take note of answers by Senator Sinodinos and Senator Johnston regarding the aviation industry in Australia and the Australian government's response. A lot of the focus today has been on Qantas, and that is understandable. Qantas has gone from, in the same period last year, a before-tax profit of $140 million to, this year, a loss of $252 million. Nearly half—that is $106 million—was due to the carbon tax. Members opposite are very loudly saying, 'Ah, but Qantas are saying that is not important.' If you look carefully you will see that Qantas said, 'What is important to us is levelling the playing field against the competition, because removing the carbon tax benefits all the airlines.' So they did not actually say that the carbon tax was not important. They said that it was not their top priority because they wanted to level the playing field against their competition.

A clearer picture of the impacts of the carbon tax probably comes from Virgin and John Borghetti. Last year they had a before-tax profit of some $25 million. It has decreased now to almost $50 million. Of that, $27 million—over half—is because of the carbon tax. John Borghetti said that the best thing that the government and the opposition could do for airlines is remove the carbon tax. If the ALP and the Greens are really concerned about jobs and the future of the aviation industry, they should get out of the way and let the coalition implement its election promise to scrap the carbon tax.

The aviation industry more broadly is struggling. You have to ask why. It has not come about just in the last few months since the coalition formed government. In fact, the chief financial officer of Rex said that:

The entire aviation industry is financially haemorrhaging right now and approaching collapse.

Indeed, we saw Brindabella Airlines go into receivership in December last year with some $37 million of debt and 140 direct jobs lost, which means for its 12 aircraft there will be a
whole raft of flow-on jobs in the maintenance and support sectors lost. That is because the
ALP did not actually deliver with their white paper a strategic direction or an effective reform
for the regulatory environment that the aviation sector works under. It is those things—in
conjunction with things such as the carbon tax—that are helping to create the environment
that is making it so difficult for the aviation sector here to get ahead.

That is why I welcome the coalition’s promise of reforming the CASA board. We see that
the coalition will be increasing the size of board to bring skills of aviation engineering and
operations onto that board. We also see reform of the regulatory sector, which is undergoing
an inquiry right now.

But this is not only about the aviation sector. The opposition are making lots of comments
about loss of jobs in the auto sector. If we look at the time frame for Ford, Holden and
Toyota, it was not the coalition at the helm when the conditions were set for those job losses.
In fact, Mike Devereux, the then general manager of Holden, said that one of the biggest
issues is when global companies like GM start talking about sovereign risk in countries like
Australia. The decisions the former government made to introduce things such as the carbon
tax as well as reverse policy on programs that the car industry was relying on have resulted in
that sovereign risk.

But, more importantly, particularly to the people of South Australia, Labor’s approach has
impacted on things such as mining. In August 2012, BHP decided to halt their Olympic Dam
development despite the fact that, as recently as this year, Andrew McKenzie, their CEO, was
reported in the media as showing the graphs demonstrating that copper supply will start
decreasing by about 2016 and that demand will increase—so that the whole copper-uranium
mine at Olympic Dam had huge potential. Why did it not go ahead? It was because one of the
most expensive parts of copper extraction is electricity. That mine has a 100-year life,
according to DMITRE. So in 2050, just when BHP could be expected to start to recoup some
of their upfront investment, the carbon tax that the ALP brought in was going to go up to
$350 a tonne. Clearly if electricity is your highest cost then the carbon tax is going to
make that unviable.

As the people of South Australia approach an election on 15 March, they need to have a
good look at what the ALP do. They need to make the decision that they will not have four
more years of the ALP at a state level because they have seen a very clear example of what
the ALP at the federal level have done to jobs in this country through job-destroying taxes
such as the carbon tax—not to mention their refusal to get out of the way and let us
implement our election commitment now. (Time expired)

Senator STERLE (Western Australia) (15:21): I sit here and wonder sometimes how it all
gets to this, but unfortunately that is the game we are in. Politicians are given five minutes to
get out there and defend the government, so we have to listen to all sorts of nonsense. But I
would like to come back to the issue at hand. I would like to address the answers to questions
given by Ministers Johnston and Sinodinos today.

I would like to take a minute to put a personal slant on this. In my past life as an organiser
with the Transport Workers Union after my trucking career finished, I got to organise at
Qantas. I organised Qantas flight catering with some 400-odd employees in Perth. I also
organised the Qantas Chairman’s Lounge employees. My heart goes out to Qantas employees.
When I think of the 5,000 full-time-equivalent jobs that Qantas announced last Thursday
would be lost, the first thing I think is that it is not 5,000—because Qantas has myriad part-time and casual employees. So when they say 5,000 full-time jobs, I have no idea how many people will be affected.

A generic email was sent to all of us by Qantas. It was from a fellow by the name of Andrew Parker, Group Executive Government and International Affairs, who virtually did the standard, 'Dear Senator, Mr Joyce wants you to know things are pretty crook and this is what might happen.' I wrote back to Mr Parker straightaway—and I want to quote my actual words because I want to personalise the thought and the pain of the Qantas workers and the uncertainty of who might go when and where. I said: 'Thanks, Andrew. I have read the Qantas statement and now ask if would you please supply me with a very specific and detailed breakdown of where within the Qantas groups the jobs will go—and what number and when.' I then went on to say: 'Would you also provide me with a comprehensive list of all international and domestic routes that will be slashed and/or replaced with Jetstar or just dropped altogether? Awaiting your reply, Senator Glenn Sterle.' I am still waiting.

You see, this is what brings me round to the Qantas workers and not to the ridiculous politics that gets played in this and the other chamber about who has got the biggest, hairiest chest. I do care about these jobs. I want to know what is going on. My thoughts about the CEO's position, the board and the chairman are very well documented. But I am going to be above that today because I want to see Australian jobs saved. I think it is extremely important that we do everything we can to give our national carrier the opportunity to survive its myriad problems, a number of those problems having arisen from the shocking decisions made by management over the last few years.

But let's not forget what the Qantas Sale Act addressed. It set out that the principal maintenance, catering, head office and other operations must stay in Australia. On the subject of jobs going, I will tell you what happened when I was organising the Qantas flight catering in Perth. This may come as a shock, but when Qantas used to fly direct to Denpasar in Bali, management took the decision that it was cheaper to get the catering done in Denpasar, where the health and safety standards were nowhere near the standard of the Australian operations. If they could double cater from Denpasar back to Perth then up to Denpasar, the people on the planes were thinking, 'We're eating Qantas food made by Qantas workers to Australian standards.' But that was bulldust. It was nowhere near Australian standards.

I fear that there will be a heck of a lot more than the 5,000 jobs that will go—and they will go overseas. But it is important for Australians to understand the deviousness of that suggestion of 5,000 jobs. It was plucked out of the air. No-one can tell me where they are going to come from. The jobs will come back. They will come back. They will not all be Australian, but I guarantee they will be contracted out. If Australians think that they are purchasing Australian food of Australian quality and made to Australian standards, they should think again—because Indonesia is only a couple of hours flight away.

I am disgusted at some of the quality of the argument here and at the insincerity of the Abbot government saying how wonderful they are going to be by letting Qantas break up the international from the domestic. This is about Australian jobs, Australian apprenticeships and Australian kids having a future in our aviation industry. (Time expired)

Question agreed to.
SENATE

Hazelwood Coalmine

Senator DI NATALE (Victoria) (15:26): I move:

That the Senate take note of the answer given by the Minister for Employment (Senator Abetz) to a question without notice asked by Senator Di Natale today relating to a fire at the Hazelwood coal mine in Morwell, Victoria.

On 9 February this year a significant fire erupted at the Hazelwood power plant near Morwell. It was a significant fire. For those people who do not know Morwell, it is located in the Latrobe Valley. The Latrobe Valley is an area where there are significant coalmines and coal-fired power stations. Those mines and power stations are located very close to several townships. The Hazelwood power station is located literally metres from a number of homes in the Morwell community.

The fire there has been burning for almost a month. We do not know when the fire will be extinguished. The consequence of that fire is that the township of Morwell has been engulfed in a blanket of toxic smoke. People there were initially exposed to carbon monoxide. Carbon monoxide is a dangerous substance when it reaches particular levels. It appears that the carbon monoxide levels have now stabilised. They are being monitored and it looks as though people will not have any significant long-term health effects, providing that carbon monoxide levels remain where they are.

The major concern is the issue of particulate matter, particularly fine particulate matter, which is the invisible suspension of dust particles that people cannot see. They are very small, they penetrate deep into the lungs and they are associated with very significant health effects. We know that when people are exposed to high levels of particulate matter the acute health effects can be significant. People who have pre-existing heart disease are more likely to have a heart attack. People who have got respiratory disease, such as young kids with asthma, are more likely to suffer from an asthma attack—and those things can be very serious. There is real concern about the long-term health impacts of particulate matter. The question is: what is long-term exposure? The longer this fire burns, the more likely it is that people will experience those longer term impacts, which are very serious indeed.

We knew when this fire started that it would be burning for weeks. That is what happens when fires erupt in coalmines. We knew that. Despite that knowledge and despite the knowledge that people were being exposed and would continue to be exposed to this toxic smoke, we have seen a spectacular failure of leadership. We saw the state government sit on its hands. They were very slow in recognising that this would pose very serious health impacts. They decided not to declare a state of emergency, despite all the knowledge being that this would pose very serious health impacts on the people of Morwell. They sent mixed messages.

Thankfully, we saw the Victorian education minister show some leadership and decide that kids should not be educated in the township of Morwell. They were taken away from the town. They were sent to schools away from Morwell but then they were bussed back in, leaving people to ponder: 'Why is it that, on one hand, we are saying that young kids should not be in the town during school hours yet, on the other hand, suddenly it is okay for them to be in town out of hours?'

Recently, we have seen the advice escalate. The advice is that people should now leave the town. The response from the Premier was insulting to the people of Morwell. The Premier
suggested that he would offer his holiday home to anybody who needs it. That is not leadership. That is somebody who is asleep at the wheel—someone who is completely out of touch with what is happening in the state of Victoria.

Thankfully, we have seen my state colleagues acting. The Greens leader Greg Barber led the charge for a state of emergency and Colleen Hartland, who is a former resident of Morwell, showed leadership on the issue. Why is it that the mine operators have not been hauled before the government to explain how this happened, why it was not prevented from happening, and what we are going to do to fix it and to assist the people of Morwell? We have seen, again, the government fail to exercise their duty which is, first and foremost, the duty of any government—that is, to protect the public health of our community.

Thankfully, there is an opportunity here. We know that air-quality monitoring has been neglected for too long around the country. We had a Senate inquiry into the issue. That inquiry suggested that we needed to lift our game when it comes to setting appropriate standards and when it comes to monitoring air quality, particularly around things like coalmines. The question now is: are we going to take some action or are we going to continue to sit on our hands? (Time expired)

Question agreed to.

PERSONAL EXPLANATIONS

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:32): I seek leave to make a brief personal explanation as I claim to have been misrepresented.

Leave granted.

Senator BRANDIS: This morning two Fairfax newspapers, The Age and The Canberra Times, carried on page 1 a story by the journalist Mark Kenny, the effect of which may be gathered from the headline in The Canberra Times: 'Brandis accused of intervening to keep honours list coalition friendly'. The story suggests that I had used my position to seek to influence deliberations of the Council for the Order of Australia in an inappropriate fashion. The story is completely untrue. First, the story suggests that there was something inappropriate or unusual in my participating in the deliberations of the council. The journalist writes:

According to a source close to the committee, and who spoke on the condition of anonymity, committee members were surprised when the Attorney-General took literally his "ex-officio" membership and chose to attend in person and to engage in active discussion of individual award recommendations. The article goes on to say:

According to the source, the attendance of any politician at the committee ... is uncommon.

That suggestion is wrong. As the vice-president of the Executive Council I am a member of the council, so of course I attend its meetings and participate in its deliberations. There is no differentiation between categories of members. The Commonwealth has always been represented on the council by the vice-president of the Executive Council or his delegate.

I understand that, during the term of the previous government, that that government was represented at various times by Senator Faulkner, Senator McLucas and Senator Lundy. Likewise, under the Howard government the vice-president of the Executive Council
routinely attended either personally or by delegate. A short while ago I spoke to Dr David Kemp, who was the vice-president of the Executive Council from 1998 to 2004, who told me that he regularly attended meetings of the council and, indeed, to the best of his recollection, attended all meetings of the council to which he was invited.

I also spoke to former Senator Minchin, who was the vice-president of the Executive Council between 2004 and 2007, who told me that it was his practice, always, to delegate a more junior member of the government front bench to attend meetings of the council on his behalf. I was also contacted today by a former chief of staff of the Hon. John Moore, who was vice-president of the Executive Council from 1996 to 1998. He pointed out to me that Mr Moore was punctilious about fulfilling his obligation to attend every meeting.

The meeting concerned occurred on Wednesday and Thursday of last week. I attended the Wednesday meeting but on Thursday, because of estimates obligations I was represented at the meeting of the council by the Hon. Joshua Frydenberg. My principal concern about the article was not, however, the ignorance of the journalist about the way in which the council is constituted and conducts its business. Of even greater concern is the unverified, anonymous, hearsay allegations that I had used my position to favour coalition-friendly nominees. That allegation is absolutely false, as anyone who attended the meeting would be well aware. The journalist would be aware that I am unable to refute the allegation with particularity without breaching the confidentiality of the council. Were I not bound by that obligation of confidentiality I could refute his allegations with particularity. Significantly, the journalist does not claim that his anonymous source was a member of the council.

The journalist filed the story without giving me the opportunity to comment. He records: Senator Brandis was unavailable for comment late on Monday due to a cabinet meeting. But the cabinet meeting did not begin until 5 pm and was over by 8 pm. evertheless, the journalist went ahead to make the allegation without taking reasonable steps to enable me to respond.

The Chair of the Council for the Order of Australia, Air Chief Marshal Angus Houston, telephoned me this morning to offer his apology, which, of course, I told him was unnecessary. Significantly, Air Chief Marshal Houston told me that he spent about 20 minutes last night on the telephone trying to convince Mark Kenny that his story was untrue, yet he went ahead and filed it anyway. He dealt with Air Chief Marshal Houston's specific and emphatic denial of his story in a brief sentence near the end of the article. I am sure that the word of Air Chief Marshal Houston deserved to be treated with more respect than Kenny's story did.

The situation, therefore, is that the journalist Mark Kenny went ahead and filed a story based on unverified hearsay and anonymous sources, reflecting on me and, in a broader sense, reflecting on the Council for the Order of Australia after it had been specifically and emphatically denied by the chairman of the council, the person in the best position to know whether the story was true or false, and having been told by the chairman of the council that it was false. The conduct of Kenny in filing the story in those circumstances was at best grossly unprofessional and unethical, if not actually deliberately dishonest. It ought to be retracted and the journalist ought to apologise to all members of the Council for the Order of Australia.
NOTICES

Presentation

Senators Cash, Moore and Waters to move:

That the Senate—

(a) notes that 8 March is International Women’s Day (IWD) and that the theme for IWD 2014 is ‘Equality for women is progress for all’;

(b) acknowledges:

(i) the work that UN Women, the United Nations (UN) organisation dedicated to gender equality and the empowerment of women, undertakes to improve the conditions of women, both domestically and internationally,

(ii) that, despite the many rights and privileges Australian women enjoy, there remain challenges that we must strive to overcome, and

(iii) that, although women perform two-thirds of the world’s work, they earn less than 10 per cent of the world’s wages; and

(c) recognises:

(i) that in Australia, violence against women is still far too common, with Australian Bureau of Statistics data continuing to show that one in 3 women have experienced physical violence since the age of 15, and

(ii) that Australians have a fundamental obligation to speak out and protect the human rights of women, both in Australia and overseas.

Senator Xenophon to move:


Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.

Senator Whish-Wilson to move:

That the following bill be introduced: A Bill for an Act to protect Australian laws by banning investor state dispute settlement provisions, and for related purposes. Trade and Foreign Investment (Protecting the Public Interest) Bill 2014.

Senator Urquhart to move:

That the following bill be introduced: A Bill for an Act to amend the National Broadband Network Companies Act 2011, and for related purposes. National Broadband Network Companies Amendment (Tasmania) Bill 2014.

Senator Milne to move:

That the Clean Energy Auction Revocation Determination 2014, made under subsection 113(1) of the Clean Energy Act 2011, be disallowed [F2014L00176].

Fifteen sitting days remain, including today, to resolve the motion or the instrument will be deemed to have been disallowed.
**Senator Waters** to move:

That the Senate—

(a) notes that:

(i) at the UN Women’s International Women’s Day parliamentary breakfast on 4 March 2014 the Prime Minister (Mr Abbott) stated:

(a) Australian women have a ‘pretty good deal’,

(b) the more we can ensure that women are economic, as well as social and cultural contributors, the better for everyone, and

(c) this nation has smashed just about every glass ceiling, but we need to do more - we need to do more;

(ii) the Abbott Government plans to wind back gender reporting requirements for workplaces, which will undermine the collection of critical information needed to address the gender pay gap in Australia, and

(iii) there is still a 17 per cent gap in pay between Australian men and women; and

(b) calls on the Federal Government to uphold current gender reporting requirements that are so critical to progressing gender equality in Australia.

**BUSINESS**

**Leave of Absence**

**Senator SIEWERT** (Western Australia—Australian Greens Whip) (15:39): by leave—I move:

That leave of absence be granted for Senator Ludlam from 4 March to 6 March 2014 for electorate business.

Question agreed to.

**NOTICES**

**Postponement**

The following items of business were postponed:

Business of the Senate notice of motion no. 1 standing in the name of Senator Rhiannon for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 5 March 2014.

That business of the Senate notice of motion no. 2 standing in his name for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, be postponed till the next day of sitting.

**BILLS**

**Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014**

**First Reading**

**Senator RHIANNON** (New South Wales) (15:40): I move:

That the following bill be introduced: A Bill for an Act to amend the Commonwealth Electoral Act 1918, and for related purposes.

Question agreed to.
Senator RHIANNON: 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 RHIANNON (New South Wales) (15:41): I move:
That this bill be now read a second time.
I table an explanatory memorandum to the bill and seek leave to have the second reading speech incorporated in Hansard.
Leave granted.
The speech read as follows—
COMMONWEALTH ELECTORAL AMENDMENT (REDUCING BARRIERS FOR MINOR PARTIES) BILL 2014

Today I introduce the Commonwealth Electoral Amendment (Reducing Barriers for Minor Parties) Bill 2014.
The opportunity for all citizens to run for election, either individually or collectively as political parties, regardless of wealth and background, is an absolute cornerstone of our democracy. In recent years there has been an alarming trend across a number of Australian jurisdictions to increase barriers to political participation, in particular barriers that make it more difficult for minor parties to run in elections.

In February of last year, the Coalition and Labor teamed up to pass legislation that doubled nomination fees for candidates running for election to the House of Representatives and the Senate. The Greens strongly opposed this change, alongside other minor party and independent Senators.
At the time, The Greens warned about the consequences these changes would have on minor parties. In the House of Representatives, my colleague and Australian Greens Deputy Leader Adam Bandt noted that these changes were unlikely to have a significant impact on The Greens, but would create a barrier to smaller parties and individuals. Many minor parties would still try and raise the funds necessary to participate in the democratic process, but it would leave them with fewer financial resources to use in their election campaign. Labor and the Coalition – the architects of this proposal – would however be flush with cash from private, corporate donors and face no such impediment.

In the last federal election we saw a significant number of minor parties, including new parties, register and run. While The Greens may not support the policies of every one of these parties, we absolutely support their right to participate in the democratic process. There has been much media coverage and discussion following the election about the number of minor party Senators who were elected in 2013. Concerns have been raised, rightly in my view, around the lack of transparency around the Senate voting system and the proliferation of secret preference deals that leave voters in the dark. The Joint Standing Committee on Electoral Matters is looking into those issues, and I look forward to participating in that discussion. The Greens have a clear position on these issues. We strongly support the right of all political parties, and future political parties, to register and run for election without having to pay exorbitant fees, but we don’t support a Senate voting system that forces parties and candidates to enter into secret preference deals that voters have no knowledge of.

If the legislation passed last year was an attempt to try and lock out minor parties, and it’s hard to see it as anything other than that, it failed. More minor parties than ever contested the election and a number of new parties were elected to the Senate – some at the expense of Labor and the Coalition.
There is a growing concern shared by minor parties across the political spectrum that the response from the major parties will not necessarily be a democratic reform of the Senate voting system that will end compulsory, secret preference deals, but will take further steps to limit the role played by minor parties. After all, both Labor and the Coalition have recent form in this area.

In a similar vein to Labor’s doubling of nomination fees last year, the Campbell Newman Liberal National government in Queensland is proceeding with plans to make it more difficult for minor parties to get off the ground and running in that state, by increasing the threshold required before parties become eligible for public funding.

The Greens strongly oppose those reforms, and will oppose any reforms in this Parliament that are designed to protect the interests of the major parties.

This Bill makes our intentions clear. It seeks to undo the anti-democratic doubling of nomination fees pushed through by the major parties last year. It will revert nomination fees to $1,000 per Senate candidate and $500 per House of Representatives candidate. It will restore some fairness to our electoral processes.

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

Leave granted; debate adjourned.

COMMITTEES

Legal and Constitutional Affairs Legislation Committee

Reporting Date

Senator KROGER (Victoria—Chief Government Whip) (15:42): I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the Criminal Code Amendment (Harming Australians) Bill 2013 be extended to 28 May 2014.

Question agreed to.

Legal and Constitutional Affairs References Committee

Meeting

Senator KROGER (Victoria—Chief Government Whip) (15:42): I move:

That the Legal and Constitutional 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 Wednesday, 5 March 2014, from 1.30 pm.

Question agreed to.

Environment and Communications Legislation Committee

Meeting

Senator KROGER (Victoria—Chief Government Whip) (15:42): I move:

That the Environment and Communications Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 4 March 2014, from 6.45 pm, to take evidence for the committee's inquiry into Australia Post.

Question agreed to.
Joint Standing Committee on National Capital and External Territories
Meeting

Senator KROGER (Victoria—Chief Government Whip) (15:42): I move:
That the Joint Standing Committee on the National Capital and External Territories be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sittings of the Senate, as follows:
(a) Thursday, 6 March 2014;
(b) Thursday, 20 March 2014; and
(c) Thursday, 27 March 2014.
Question agreed to.

Joint Standing Committee on Electoral Matters
Meeting

Senator KROGER (Victoria—Chief Government Whip) (15:42): I move:
That the Joint Standing Committee on Electoral Matters be authorised to hold public meetings during the sittings of the Senate, from 9.40 am, as follows:
(a) Wednesday, 5 March 2014;
(b) Wednesday, 19 March 2014; and
(c) Wednesday, 26 March 2014.
Question agreed to.

MOTIONS
Ukraine

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:42): I seek leave to amend general business notice of motion No. 139 standing in my name for today relating to Ukraine.
Leave granted.

Senator BILYK: I move the motion as amended:
That the Senate—
(a) notes, with concern, the decision of the Russian Parliament to authorise the use of force against Ukraine;
(b) supports the United Nations (UN) Secretary-General’s call for the preservation of Ukraine’s territorial integrity and sovereignty;
(c) urges all parties to exercise restraint, and to seek to resolve the situation peacefully; and
(d) calls on the Australian Government to continue to work together with the international community, including as a member of the UN Security Council, to seek a peaceful resolution to the situation in Ukraine through dialogue.
Question agreed to.
BILLS
Native Title Amendment (Reform) Bill 2014

First Reading

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:43): I move:
That the following bill be introduced: A Bill for an Act to amend the Native Title Act 1993 to further
the interests of Aboriginal peoples and Torres Strait Islanders, and for related purposes.
Question agreed to.

Senator SIEWERT: 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 SIEWERT (Western Australia—Australian Greens Whip) (15:44): I move:
That this bill be now read a second time.

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

The speech read as follows—

NATIVE TITLE AMENDMENT (REFORM) BILL 2014

The Native Title Amendment (Reform) Bill 2014 is the third iteration of native title reform proposed
by the Australian Greens.

The Bill seeks to address key failures of the Native Title Act 1993 (NTA). We want to provide
meaningful rights and a basis for economic and community development to Aboriginal and Torres Strait
Islander people, something the Act has not adequately achieved in the 20 years since it came into force.

By introducing this Bill and any further reforms we intend to contribute constructively to a debate
about native title reform that can ultimately lead to simpler legislation which produces more meaningful
outcomes in a more timely fashion for all those involved.

In March 2011, I introduced the Native Title Amendment (Reform) Bill 2011. The Bill was referred
to the Senate Legal and Constitutional Affairs Standing Committee in May last year. Over 35
submissions were received, from a range of stakeholders and government agencies during the course of
the inquiry. The majority of these were supportive of the intent of the legislation—many noting the
great need for the Native Title Act to be reformed. The submissions contained many useful suggestions
on how the Bill might be strengthened and improved.

The Bill I introduced in 2012 built on those suggestions. We closely examined the submissions and
incorporated numerous revisions, creating a more robust and effective piece of law.

In the original Bill we sought to address some of the 'low-hanging fruit' of native title reform—by
targeting some of the areas of native title law where relatively simple amendments could have far-
reaching implications for addressing some of the current barriers to effective native title outcomes. In
2012’s Bill we focused on the most important and most urgent of those areas and drafted amendments
which we hope will gain broad support.
As I have said previously if we do not work together to traverse the "impenetrable jungle" that is native title litigation, there is little hope for just outcomes for Aboriginal and Torres Strait Islander peoples. The second reading speech for the original Bill is still relevant for this current revised Bill:

... nearly two decades after the introduction of the NTA it is clear that native title has failed to deliver on its promises.

The Preamble states that …

"The people of Australia intend:

(a) to rectify the consequences of past injustices by the special measures contained in this Act… for securing the adequate advancement and protection of Aboriginal peoples and Torres Strait Islanders; and

(b) to ensure that Aboriginal peoples and Torres Strait Islanders receive the full recognition and status within the Australian nation to which history, their prior rights and interests, and their rich and diverse culture, fully entitle them to aspire."

Unfortunately as we marked the twentieth anniversary of the NTA in 2013, there had been no progress on native title reform, and so communities are still waiting for native title to deliver on some of the seemingly forgotten promises contained in the preamble to and objects of the NTA.

In practice, the people who the Act recognises and describes as "...the most disadvantaged group in society..." as a consequence of the dispossession of their lands have had to rely on one of the longest and most complex pieces of Australian legislation to try to "...secure their advancement..." and to recognise and protect (not establish) their pre-existing rights.

In two decades since its introduction, only a handful of native title claims have been resolved, with many of these being in remote areas which had been of little interest to European colonists. For the majority of our Aboriginal and Torres Strait Islander peoples, particularly those in urban areas and regional centres, native title has offered little and delivered less.

Meanwhile the promised complementary measures have also been a grave disappointment—the land fund has only been able to help out a limited number of communities, and the social justice package never eventuated.

It is clear that in the application and judicial interpretation of the NTA a huge gap has emerged between these original promises and intentions, and the on-the-ground experience of Aboriginal and Torres Strait Islander communities seeking to have their native title rights recognised and protected.

Justice Kirby characterised the barriers to the recognition of native title rights as comparable to an impenetrable jungle, saying:

"It would be easy for the judicial explorer to become confused and lost in the undergrowth to which rays of light rarely penetrate. Discovering the path through this jungle requires navigational skills of a high order. Necessarily, they are costly to procure and time consuming to deploy. The legal advance that commenced with Mabo v Queensland, or perhaps earlier, has now attracted such difficulties that the benefits intended for Australia's Indigenous peoples in relation to native title land and waters are being channelled into costs of administration and litigation that leave everyone dissatisfied and many disappointed."

There are many who still believe that the recognition of rights to land, culture and resources through native title could provide a strong and sustainable basis for 'advancement' by underwriting and enabling community and economic development.

The former Prime Minister Kevin Rudd, for instance, spoke of the capacity for respect for native title to provide a sturdy foundation for durable economic and social outcomes in his Apology speech.

It is a tragic shame that neither his government nor its successor did anything to seek to strengthen and facilitate recognition of the native title rights of Aboriginal and Torres Strait Islander Australians to
help make that vision a reality. Instead the only changes to native title laws we have seen recently have been those that either diminished native title rights or at the very least have failed to enhance the capacity of traditional owners to participate in securing meaningful outcomes.

This of course came on the back of over a decade of Coalition Government under John Howard that systematically wound back the rights of Aboriginal and Torres Strait Islander peoples, diminished native title rights, and saw the scrapping of all the existing avenues for representation and decision making with the removal of ATSIC.

The challenge in moving forward is to make the vision of the apology a reality, to actively engage Aboriginal communities in policy development, decision making and community development. This also means recognising, as the Cape York Land Council put it, that "[m]eaningful respect for native title as a valuable property right is part of the solution … not an impediment". 

The impetus for reform

The impetus for this Bill arose from the interactions with Aboriginal and Torres Strait Islander Australians and native title experts that took place in and around the 2009 inquiry of the Senate Standing Committee on Legal and Constitutional Affairs into the Native Title Amendment Bill 2009. A Bill which in and of itself had little to do with reforming native title to deliver better outcomes.

The discussions that took place around that Senate inquiry crystallised many of my long-standing concerns with the NTA which lead to a continuing dialogue on broader native title reform that has ultimately led to these reforms.

At the time of the introduction of the first 2009 Bill, the then Attorney General Robert McClelland stated that the intent of the Australian Government in introducing the Bill was "… achieving more negotiated native title outcomes in a more timely, effective and efficient fashion". 

The vast majority of the evidence tendered to that Senate inquiry supported the need for native title reform that would achieve more effective native title outcomes in a more timely and resource efficient manner but disagreed with the Attorney General's suggestion that the Government's reforms came anywhere near achieving those outcomes.

As Tony McAvoy of the National Native Title Council put it at the time:

"…the amendments that are proposed in this amendment Bill are not controversial. They may make some small difference but they are not going to make any vast change in the way in which native title matters are dealt with. There is not going to be any rush of settlement of native title applications as a result of any of these amendments." 

The submissions to that inquiry identified a number of other possible reforms to the NTA that promised to address the barriers to timely and meaningful native title outcomes and went beyond the narrow agenda of the government's first 2009 Bill. These included addressing the 'burden of proof' through a rebuttable presumption of continuity, strengthening the requirements for parties to 'negotiate in good faith', and raising the threshold on extinguishment, among others.

Many of the issues raised in this inquiry were further discussed and developed in the Native Title Report 2009 of the Australian Human Rights Commission by the then Social Justice Commissioner, Tom Calma. This report made an important series of recommendations for native title reform, many of which have provided the basis for the reforms proposed within this Bill.

I note that this Bill does not cover all of the reforms recommended by Tom Calma, and includes a number of measures that he did not discuss at the time. While many of the good ideas can be attributed to Mr Calma and to others, I take full responsibility for the way they have been interpreted as legislative amendments. I commend the work of the former Commissioner and thank him sincerely for his efforts.

I would also like to thank the native title experts, Aboriginal and Torres Strait Islander organisations, land councils and representative bodies that have contributed their thoughts, ideas and comments to us
in response to our inquiries and as part of the consultation process we undertook around the discussion paper and draft amendments proposing these reforms.

**The right to negotiate also applies offshore**

Item 2 seeks to improve procedural rights over offshore areas for native title holders. In doing so it seeks to address the contradiction between the existing provisions of subsection 26(3) of the NTA (that limits the right to negotiate to acts that relate to a place on the landward side of the mean high-water mark) and the fact that native title rights have been recognised to exist in offshore areas.8

This amendment is consistent with the views expressed by the then Attorney General Robert McClelland, who stated in 2009 that:

"When it comes to behavioural change, I accept that the Australian Government has to lead by example. I believe we are doing just that. For example, last year I announced that the Government will take a more flexible approach to recognising native title in Australia's territorial waters. The Australian Government now accepts that native title can exist out to the limits of the modern territorial sea, generally 12 nautical miles from the territorial sea baseline. Given that the Government is involved in all claims over offshore waters, this approach should help bring about more negotiated settlements."9

The limitation of procedural rights under subsection 26(3) that denies traditional owners a right to negotiate over future acts in offshore areas is clearly inconsistent with this recognition that native title can exist up to 12 nautical miles out to sea, and so item 2 of the Bill remedies this by repealing subsection 26(3) to remove this unnecessary contradiction and allow traditional owners the right to negotiate over acts that impact on their sea country.

**Strengthening good faith negotiations**

The future acts regime plays a crucial role in the manner in which traditional owners are able to exercise their native title rights, by governing the requirements placed on parties negotiating agreements concerning proposed activities. There has been sustained criticism of the manner in which the future acts regime has led to protracted and uncertain outcomes, and calls for the act to be amended to create stronger incentives for beneficial agreements and to achieve greater procedural fairness by striking a better balance between native title and non-native title interests.

To this end the amendments proposed in items 3 to 12 of this Bill expand on the current requirements for parties to negotiate 'in good faith' in relation to future acts.

Currently the burden of proof for proving the absence of good faith in negotiations is on the native title party, rather than the proponent of a proposed future act. This appears procedurally unfair as it is in effect the proponent who is effectively asserting that they have negotiated in good faith for the required period when they apply for a matter to be taken to arbitration.

Item 3 of this Bill seeks to strengthen the requirement to negotiate in good faith, in line with the recommendations of the Native Title Report 2009.10

The NTA as it stands prevents parties from resorting to an arbitral body, such as the National Native Title Tribunal, for a period of six months from the issue of a notice that the government intends to grant a mining tenement. This fixed negotiating period does not take into account the relative scope or difficulty of the proposed negotiations—it is the same irrespective of whether the parties have established previous agreements or are meeting for the first time, and irrespective of whether they are negotiating a single act or attempting to conclude an overarching agreement on a 'whole of claim' basis.

So on the one hand, parties who are undertaking complex negotiations in a genuine attempt to make efficient use of their time and resources to secure wide-scale agreements over large areas of land and multiple future acts need to do so within the six month limit (irrespective of the number of negotiations and the lack of resources of the native title representative body). On the other hand, proponents who are not inclined to enter into serious negotiations with native title holders can effectively stonewall and sit
on their hands for six months, knowing they can then force the matter to arbitration without any
requirement to demonstrate they have made all reasonable efforts to come to agreements.

To this end item 3 of this Bill substitutes a new paragraph 31(1)(b) which requires parties to
negotiate in good faith for at least six months and to use all reasonable efforts to come to an agreement
about the conditions under which each of the native title parties might agree to the proposed future act.
As made clear in the evidence to the Inquiry, this provision does not limit the ability of parties to reach
agreement within 6 months but it does require negotiation for at least 6 months before either party can
apply to the Tribunal.

Item 4 inserts new subsections 31(1A)-(1C), providing clarification of what the requirement to
negotiate in good faith really means.

The good faith negotiating requirements are one of the few legal safeguards that native title parties
have to protect their native title interests under the NTA. While section 31 of the NTA seeks to oblige
the parties to negotiate in good faith during the negotiating period, in practice it is virtually impossible
for claimants to establish that a proponent is not acting in good faith. This is borne out by the decision
of the Full Federal Court in the matter of FMG Pilbara v Cox—a decision which substantially watered
down the right to negotiate, to the extent that any negotiation in which the native title party cannot
demonstrably prove bad faith is effectively considered to be a good faith negotiation.

Item 4 strengthens the requirement to negotiate in good faith by including explicit criteria for the
type of negotiation activities that are indicative of good faith and clarifies that deceptive or
unsatisfactory conduct is not a perquisite to demonstrate a failure to negotiate in good faith.
Furthermore, it places a requirement on the arbitral body to consider the financial resources, and in the
case of the native title party, the demands of cultural and religious practices, when considering whether
a party has negotiated in good faith.

Item 7 reverses the onus of proof so that the party that is asserting good faith is the one that is
required to prove it, by inserting a new subsection 31(2A).

Item 10 provides that a party may not apply to an arbitral body (under subsection 35(1)) until the
party has first demonstrated good faith negotiations have taken place in accordance with section 31.

Strengthening coexistence by disallowing extinguishment

Another area where the NTA has failed to deliver is the manner in which the bar on extinguishment
has been set too low. This has meant that in practice the principle of 'coexistence' of native title rights,
which is clearly envisaged within the NTA, is too often brushed aside or ignored.

Item 13 of the proposed amendments seek to address this issue. Item 13 inserts new sections 47C and
47D. The new section 47C provides that in the case of National, State or Territory Parks,
extinguishment is to be disregarded. Given the nature of national parks, it is appropriate for the non-
extinguishment principle to apply and to allow for the co-existence of native title rights and interests.
Chief Justice French has used the example of the vesting of a nature reserve on Crown land as one act
which could be determined to have extinguished native title, where it would make sense to be able to
disregard extinguishment and provide for an agreement between the traditional owners and the state to
recognise native title rights in the interests of managing that reserve.

New section 47D provides that at any time prior to a determination, the applicant and a government
party can make an agreement that the extinguishment (or possible extinguishment) of native title rights
and interests can be disregarded.

The current breadth and permanence of the extinguishment of native title through the provisions of
the NTA is arguably unjustifiable, unnecessary and in breach of Australia's human rights obligations.

Section 47 of the NTA provides a model for coexistence of native title and other rights on pastoral
leases. The new sections in item 13 are consistent with the current application of the NTA, and allow
the existing coexistence provisions to be extended to nature reserves and allow extinguishment to be disregarded by agreement in a wider range of circumstances.

**Presumption of continuity**

In practice, the bar for the recognition of native title rights has been set too high—with the onus of proof of cultural continuity being placed on Aboriginal and Torres Strait Islander people, and with evidence standards effectively mandating a reliance on the written accounts of European colonists that deny the predominantly oral nature of Indigenous cultures.

As the Australian Human Rights Commission argued in its submission to the 2009 Senate Inquiry:

"It cannot be disputed that Indigenous peoples lived in Australia prior to colonisation and that the Crown was responsible for the dispossession of Indigenous peoples throughout Australia.

It has also been acknowledged by governments over time through various policies, laws and statements of recognition, including the creation of land rights regimes and other mechanisms, that Indigenous peoples are the Traditional Owners of the land.

It is in this context that the Commission argues that it is unjust and inequitable to continue to place the demanding burden of proving all the elements required under the Native Title Act on the claimants."

The issue of prior occupation and hence the pre-existence of native title rights is not being questioned (as the preamble to the NTA readily acknowledges) and so under these circumstances it seems to be 'fundamentally discriminatory' and a gross injustice to place the burden of proof upon the dispossessed. This is particularly true when we consider that it is State and Commonwealth Governments that have granted the rights that have led to the possible extinguishment of native title, and that it is those governments who hold many of the historic records needed to establish connection.

The intent of providing for a rebuttable presumption of continuity is to shift the burden of proof in a way that encourages government parties (who must now take on the role of adducing evidence in their archives to rebut presumptions) to be more inclined to settle claims with a strong prospect of success—rather than dragging them out in the Federal Court as they are currently entitled to do.

Item 14 of our proposed amendments to the NTA seeks to address this issue, by putting into legislation amendments suggested by Chief Justice French that reverse the burden of proof to create a rebuttable presumption of continuity.

Moving to resolve more native title cases by consent determination could result in timelines being 'streamlined beyond recognition' and costs being 'reduced out of sight'. However, as the Native Title Report 2009 points out, a respondent would still be able to defeat a native title claim due to the operation of section 223, by providing appropriate evidence.

We have adopted a suggestion from the Law Council of Australia to insert new section 61AB clarifying that a court may determine that section 223 has been met notwithstanding substantial interruption of or significant change to traditional laws and customs if the interruption or change resulted from the action of a State or a Territory or a person or a party who is not an Aboriginal person or Torres Strait Islander.

**Definition of 'traditional'**

As described in the second reading speech to my original Bill, in practice, the manner in which 'traditional' culture is defined by section 223 of the Act fails to recognise the dynamic and living nature of Indigenous Australian cultures. Instead it seeks to freeze culture in some pre-colonial past, which defines traditional culture based on a snap-shot of cultural practices at the time of European settlement and an expectation that they should continue unchanged. This ignores the fact that by their very nature the cultures of Australia's first nations were geared towards adapting to and surviving in an often harsh environment, not to mention the substantial efforts and resources expended by successive governments aimed at forcing or encouraging changes in behaviour.
This limited and unrealistic definition of 'traditional' means that in practice it is far too easy for a respondent to rebut the presumption of continuity by establishing a law or a custom is no longer practiced in exactly the same way it was at the point of colonisation. A more sensible and realistic definition of traditional culture would be one that "encompasses laws, customs and practices that remain identifiable through time" and allows at law for an appropriate level of adaptation to the changing circumstances brought about by colonisation.

The narrow application of section 223 has created insurmountable barriers to cultural resurgence as clearly seen by the Noongar, Larrakia, Wongatha and Yorta Yorta cases. In practice, the policy decision to narrowly interpret continuity and traditional practice under section 223 in the Yorta Yorta case has created a situation which directly contradicts the original objects of the NTA— in that it means that there is no opportunity to raise the role of past injustices in the interruption of cultural continuity in an Act whose every intent is to provide remedy to those injustices.

Where a group has revitalised its culture, laws and customs by actively seeking out and recovering those elements of cultural continuity driven underground by dispossession, forced relocation, or the removal of children, a comparatively minimal interruption to the sharing of that culture across the claimant group should not be sufficient to prevent the recognition of native title rights.

This state of affairs is clearly at odds both with the stated intentions of the NTA and Australia's international human rights commitments. On this basis it would be sensible to empower the Court to disregard any interruption in the observance of traditional laws and customs where it is in the interests of justice to do so.

Item 18 of our proposed amendments inserts new subsections 223(1A), (1B), (1C) and (1D) which provide clarification of the definition of 'traditional' to ensure that the interpretation of what counts as ongoing Indigenous culture and law is based on a more realistic understanding of the maintenance and continuity of traditional practices and cultural values over time. This should help ensure that communities who have maintained a strong connection to their lands, laws, cultural practices and values will not have their recognition discounted based on changes which do not fundamentally alter the core of their cultural identity as traditional custodians of their land and sea country.

Commercial rights and interests

As mentioned in the second reading speech to my original Bill, in practice, the rights native title have delivered have also not been strong or complete enough to effectively provide 'for the advancement' of traditional owners or to provide a basis for economic and cultural development as they have not provided an unambiguous and exploitable right to land and resources.

Currently there is no mechanism to provide for the recognition of commercial rights to enable agreement making that delivers on the stated intent of the NTA "for securing the adequate advancement … of Aboriginal peoples and Torres Strait Islanders" by providing a vehicle for social and economic development. Furthermore, courts have appeared to take a view of customary Indigenous laws that does not properly recognise existing cultural economies and effectively distinguishes between customary or cultural rights and commercial ones.

This is at odds with a wealth of existing evidence of customary trade rights and practices which were based in customary rights to resources—including aquaculture, trade in clay and ochres and turtle shells, as well as crafts such as baskets and spears. It also includes strong evidence of a long-term trade relationship with Macassan fishermen from Indonesia.

Many have argued that Aboriginal communities should be able to use their native title rights to leverage economic development. To achieve that the NTA needs to strengthen the rights of native title holders, but amendments to date have largely confined themselves to those that reduce the rights of native title holders.
The Prime Minister, Tony Abbott, has spoken of his "determination to ensure that the Aboriginal people of Australia finally get a fair go where their land is concerned" and went on to say that "the land which Aboriginal people have secured is obviously a cultural and spiritual asset but it should also be an economic asset." On the face of it, it would seem in principle that there should be broad support for these measures.

To this end, item 19 the Bill provides that native title rights and interests can be of a commercial nature, removing what is an unnecessary impediment to Aboriginal and Torres Strait Island peoples’ economic development.

**Conclusion**

As with our previous Bill, the reforms contained in this legislation put forward clear and specific measures to address a number of key areas of interest to native title claimants.

They address the barriers claimants face in making the case to demonstrate their pre-existing native title rights and interests and they tackle some of the procedural issues within the future acts regime that restrict the ability of native title holders to assert and exercise their native title rights.

As we stated before, native title has the potential to play an important role as a basis for the economic and community development of those of Australia's first peoples who have been able to maintain their connection to their traditional lands and culture in the face of dispossession.

It is clear that the original intention of the Parliament was that the Native Title Act would 'rectify the consequences of past injustices' and secure their 'adequate advancement and protection'; however, it is equally clear that in its application this complex area of law has failed to deliver on those hopes.

The strong relationship of Aboriginal and Torres Strait Islander peoples with their land and sea country should provide a firm basis on which to strengthen their culture and build their future. To make this happen, native title reform is needed.

The Native Title Amendment (Reform) Bill 2014 is an important first step on that path—I commend it to the Senate.

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4 Cape York Land Council, Submission 2, Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Native Title Amendment Bill (No. 2) 2009, p6.
6 Transcript, p20.
7 As recommended by Chief Justice Robert French.
8 AHRC, Native Title Report 2009, p106.
10 pp 104-107.
13 HREOC, Native Title Report 2002.
14 Les Malezer, 2009 Mabo Lecture.
Justice North & T Goodwin, Disconnection the gap between law and justice in native title, 2009.
AHRC, Native Title Report 2009, p82.
AHRC, Native Title Report 2009, p85.
Yorta Yorta v Victoria, High Court of Australia (2002) 214 CLR 422.

Senator SIEWERT: I seek leave to continue my remarks later.
Leave granted; debate adjourned.

COMMITTEES

Privileges Committee

Report

Senator MOORE (Queensland) (15:44): At the request of Senator Collins, I move:
That the Senate:
(a) endorse the conclusion at paragraph 1.57 of the 152nd report of the Committee of Privileges on a possible unauthorised disclosure of the draft report of the Select Committee on Electricity Prices; and
(b) adopt the recommendation that no contempt be found in respect of the matter referred.
Question agreed to.

CONDOLENCES

Welsh, Mr Michael

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (15:45): I, and also on behalf of Senators Bilyk, Brown, Thorp, Singh and Polley, move:
That the Senate expresses its sincere condolences to the family, friends and work colleagues of Mr Michael Welsh, who was tragically killed at work at the Mount Lyell copper mine on Tasmania’s west coast on Friday, 17 January 2014.
Question agreed to.

MOTIONS

Fair Work Australia

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:45): I move:
That the Senate authorises the publication of the unpublished documents provided to the former Education, Employment and Workplace Relations Legislation Committee by Fair Work Australia in relation to the Fair Work Australia report, Investigation into the National Office of the Health Services Union under section 331 of the Fair Work (Registered Organisations) Act 2009.

Senator FAULKNER (New South Wales) (15:46): I seek leave to amend general business notice of motion No. 142 standing in the name of Senator Fierravanti-Wells.
Leave granted.

Senator FAULKNER: I move the motion as amended:
At the end of the motion, add:
(2) That, in taking the unusual step of ordering the publication of in camera evidence, the Senate notes:
(a) the sensitivity of much of the material has been diminished by the passage of time and the disclosure of these matters in criminal proceedings or in the Fair Work Australia report; and
(b) publication is not inconsistent with the Senate’s well-established principles on the application of
the sub judice convention or with any of the usual grounds on which Senate committees would
generally decline to publish evidence.

Question agreed to.

Original question, as amended, agreed to.

The DEPUTY PRESIDENT (15:47): Honourable senators should be aware that the
documents the Senate has just agreed to publish cannot be made available immediately. The
documents comprise several hundred pages and need to be retrieved from secure storage. A
photocopy will be made as quickly as possible and made available for inspection in the Table
Office. At the same time the documents will be scanned and published on the Senate website.
Although this will be done as quickly as resources allow, the process could take many hours.

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the
Minister for Social Services) (15:47): Mr Deputy President, I seek leave to make a short
statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FIERRAVANTI-WELLS: The motion authorises publication of the annexures
provided to the former Education, Employment and Workplace Relations Legislation
Committee by Fair Work Australia in its report on the investigation into the national office of
the Health Services Union. The documents comprise thousands of pages unearthed during the
investigation into former Labor MP and convicted union thief, Craig Thomson.

It should be noted that these annexures were suppressed until now by the Labor Party, then
in government, and the Greens, first in the committee and then in a vote in the Senate which
took place on 12 September 2012. It has been reported that these documents include a memo
in which Mr Thomson, probably in his own handwriting, misrepresented $770 worth of
sexual services obtained from Internat Immobilaire, the business name for Boardroom
Escorts, as a dinner function for which he claimed reimbursement from the HSU.

I understand the Leader of the Opposition initially intended to again oppose the release of
these documents. The amendment moved by Senator Faulkner is nothing more than a fig leaf
to cover the opposition's embarrassment at having suppressed these documents for so long.

(Time expired)

Senator FAULKNER (New South Wales) (15:48): Mr Deputy President, I seek leave to
make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator FAULKNER: The statement made by Senator Fierravanti-Wells about the
Leader of the Opposition is not accurate. I can say to the Senate that the amendment I have
moved is about good Senate and good parliamentary process. It is not about partisan, or
cheap, politics. It takes account of the Senate's sub judice convention, the volume of material
and the time that material has been held by the Senate. Of course it takes account of the public
interest. For the record, I have absolutely no interest in protecting Craig Thomson; I never,
ever have. I think the approach with the amendment moved by the opposition enables good
process and full transparency.

Finally, Mr Deputy President, I thank you for the transparency involved in your own
statement.
Senator MARSHALL (Victoria) (15:50): As chair of the committee that Senator Fierravanti-Wells has just made some outrageous accusations against, I also seek leave to make a one-minute statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MARSHALL: Senator Fierravanti-Wells just blatantly misled the Senate in terms of the suppression of documents. The documents were not suppressed. In fact, the Senate should be informed that Senator Fierravanti-Wells had complete and total access to every one of those documents. She spent a week or so in a room going through those documents, making copies, taking notes and taking recordings. There is no way that she can get up in this place and suggest to the Senate that these documents were suppressed. They were not suppressed. They were available to every senator. For her to suggest that a decision of the entire committee was a suppression by the Labor Party is a blatant misrepresentation of the facts. She should be ashamed of herself. She should have more respect for Senate committee processes than she has just demonstrated in her ridiculous outburst. It is blatantly untrue.

Senator FIERRAVANTI-WELLS (New South Wales—Parliamentary Secretary to the Minister for Social Services) (15:51): I seek leave to make a short statement.

Leave not granted.

Senator RHIANNON (New South Wales) (15:51): I seek leave to amend general business notice of motion No. 136 standing in my name for today relating to the Biennale of Sydney and events surrounding Transfield’s sponsorship of that with regard to their work with refugees.

Leave granted.

Senator RHIANNON: I move the motion as amended:

That the Senate—

(a) notes that:
   (i) Transfield Holdings is a major sponsor of the 19th Biennale of Sydney,
   (ii) Transfield Holdings is a shareholder in Transfield Services,
   (iii) Transfield Services is being paid $1.22 billion by the Australian Government to run offshore detention centres on Manus Island and Nauru,
   (iv) five artists have pulled out of the Biennale of Sydney because of Transfield’s links to Australia’s cruel mandatory detention policies, and
   (v) 28 Biennale artists have written to the Biennale board, urging it to cut ties with Transfield and to find new sponsors; and

(b) commends the courage and commitment to human rights of the Biennale artists who have both written to the board requesting new sponsors and the artists who have pulled out of the Biennale of Sydney.

The DEPUTY PRESIDENT: The question is that the motion, as amended and moved by Senator Rhiannon, be agreed to.

The Senate divided. [15:57]

(The Deputy President—Senator Parry)
Ayes .................... 9
Noes ...................... 47
Majority ................. 38

AYES

Di Natale, R
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Brown, CL
Cameron, DN
Collins, JMA
Edwards, S
Fawcett, DJ
Furner, ML
Johnston, D
Lines, S
Lundy, KA
Marshall, GM
McKenzie, B
Moore, CM
O’Sullivan, B
Peris, N
Pratt, LC
Ruston, A
Seselja, Z
Smith, D
Sterle, G
Tillem, M
Williams, JR

Bernardi, C
Birmingham, SJ
Bushby, DC
Carr, KJ
Dastyari, S
Farrell, D
Fifield, MP
Gallacher, AM
Kroger, H
Ludwig, JW
Macdonald, ID
McEwen, A (teller)
McLucas, J
O’Neill, DM
Parry, S
Polley, H
Ronaldson, M
Ryan, SM
Singh, LM
Stephens, U
Thorp, LE
Urquhart, AE

Question negatived.

NOTICES

Postponement

Senator XENOPHON (South Australia) (16:00): by leave—I move:

That business of the Senate notice of motion no. 2 standing in his name for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, be postponed till the next day of sitting.

Question agreed to.
Motions

Mako Sharks

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:01): I move:

That the Senate—

(a) notes that:

(i) the shark cull and the deployment of drum lines continues in Western Australia,

(ii) at least two mako sharks have died after they were caught on the drum lines,

(iii) the mako shark is listed as a migratory species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and

(iv) the Minister for the Environment (Mr Hunt):

(A) has exempted the drum lines from the EPBC Act, and

(B) says that ’any breach of conditions will result in the exemption being terminated’; and

(b) calls on the Government to terminate the exemption of the drum lines from the EPBC Act

Question agreed to.

Asylum Seekers

Senator MADIGAN (Victoria) (16:01): I move:

That the Senate—

(a) notes that:

(i) the United Nations High Commissioner for Refugees’ position is that Australia should provide asylum seekers who enter Australia by whatever means with a full and efficient refugee status determination process in Australia, and

(ii) it would be significantly more cost effective to process asylum seekers onshore as opposed to offshore;

(b) recognises that Australia:

(i) only has limited influence in ending the circumstances forcing people to flee their homeland and seek asylum,

(ii) must increase efforts overseas to do all it can to foster peace and stability in areas of conflict around the world, and

(iii) must also focus on what it can do to help the plight of asylum seekers in a balanced, dignified, safe and compassionate way; and

(c) calls on the Government to:

(i) strengthen relations and provide further assistance to Indonesia to stop people attempting the treacherous journey from Indonesia to Australia by boat,

(ii) increase our annual asylum seeker and refugee intake from Indonesia, and

(iii) process all asylum seekers onshore, at least in recognition of it being cheaper.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (16:02): Mr Deputy President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.
Senator FIFIELD: The government will not be supporting this motion. Australia runs one of the most generous resettlement programs in the world. The sad truth is that, in any one year, less than one per cent of the world’s 10.5 million refugees will be resettled. Under the former government more than 14,500 people were denied a place under our offshore humanitarian program because those places had already been taken by those who arrived illegally by boat. Under the coalition people-smugglers and potential illegal immigrants face efforts by both the Australian and Indonesian governments to prevent people from transiting through Indonesia to get to Australia illegally by boat. Recent UNHCR figures show that the number of persons newly presenting for registration in Jakarta fell from 1,608 in September 2013 to 296 in December 2013. The government stands resolute in its commitment to offshore processing. People who arrive illegally by boat will continue to be transferred to Manus Island and Nauru and be processed offshore. There are no exceptions. (Time expired)

Senator HANSON-YOUNG (South Australia) (16:03): Mr Deputy President, I would like to put on the record that the Greens will be supporting this motion and commend Senator Madigan for putting it forward.

The DEPUTY PRESIDENT: Senator Hanson Young, you should have sought leave to make a statement but you have made your statement.

Question negatived.

Abbot Point

Senator WATERS (Queensland) (16:03): I move:

That the Senate—

(a) notes that:

(i) meeting notes and draft decision documents released under Freedom of Information in regard to the Abbot Point Coal Terminal Capital Dredging Project have revealed that the Great Barrier Reef Marine Park Authority (GBRMPA):

(A) believed the Abbot Point dredging proposal in the form proposed at that time should be refused a Great Barrier Reef Marine Park permit for offshore dumping of dredge spoil,

(B) found offshore dumping of up to 1.6 million cubic metres per year for three separate dredging campaigns has the potential to cause long term, irreversible harm to areas of the Great Barrier Reef Marine Park, in particular seagrass meadows and nearby coral reefs of Camp Reef, Horseshoe Bay, Cape Upstart, and Holbourne Island,

(C) considered the North Queensland Bulk Ports dredge plume modelling for the offshore dumping to be of limited value, deficient and unreliable,

(D) considered that remnant and recovering seagrass meadows, such as those around Abbot Point, provide critical foraging refugia for struggling turtle and dugong populations,

(E) found the project could result in water quality in the region being in a degraded state for approximately the next 6 to 7 years, and

(F) clearly advised Department of Sustainability, Environment, Water, Population and Communities officials in June 2013 that GBRMPA did not consider it practical or feasible to develop environmental offsets of the magnitude required to offset the damage caused to the reef by the proposed dredging and offshore dumping at Abbot Point, and That the project approval as proposed would involve conditions which are effectively unachievable, and
(ii) there do not appear to have been changes made to the proposed Abbot Point Coal Terminal Capital Dredging Project since these concerns were raised by GBRMPA officials that would address these concerns; and

(b) calls on the Minister for the Environment (Mr Hunt) to immediately revoke his approval of the Abbot Point Coal Terminal Capital Dredging Project.

Senator IAN MACDONALD (Queensland) (16:04): Mr Deputy President, I seek leave to make a statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.'

Senator IAN MACDONALD: The coalition of course opposes this motion because it is inaccurate and based on a report done by a junior officer that was never even submitted to the decision-maker here. This motion gives very much the wrong impression of what the Great Barrier Reef Marine Park Authority decided. The minister has accepted the advice of the authority formerly given. This freedom of information expose by the Greens and their friends in Greenpeace and the Wilderness Society is simply a document that never saw the light of day, yet the Greens, as always, are trying to make out that it actually meant something. We oppose the motion, but we will not divide because we can count the numbers and the Greens and the Labor Party will always beat us.

Question agreed to.

DOCUMENTS
Alastair Furnival
Order for the Production of Documents

Senator MOORE (Queensland) (16:05): At the request of Senator Wong, I move:

That there be laid on the table by the Assistant Minister for Health, no later than 12.45pm on Wednesday, 5 March 2014, a copy of the letter submitted by Mr Alastair Furnival to the Minister at the commencement of his engagement as her chief of staff containing undertakings on action to address conflicts of interest between his business affairs and his ministerial staff role.

Question agreed to.

MOTIONS
National Perinatal Depression Initiative

Senator WRIGHT (South Australia) (16:06): I, and also on behalf of Senator McLucas, move:

That the Senate—

(a) notes That the National Perinatal Depression Initiative, since 2008:

(i) has improved the prevention and detection of antenatal and postnatal depression, and provided better support and treatment for expectant and new mothers experiencing depression, and in doing so, has provided what experts have called 'the ultimate two-for-one', by ensuring the babies' wellbeing in the course of supporting mothers at this critical stage of life, and

(ii) has demonstrated Australia to be a world leader in terms of its support for, and treatment of, people experiencing perinatal depression;

(b) notes That the initiative is under review, and there is no clarity in relation to the future of its federal funding; and
(c) calls on the Federal Government to express whether it has a commitment to the support of new mothers and their children, by continuing the National Perinatal Depression Initiative beyond the 2013-14 financial year.

Question agreed to.

DOCUMENTS

National Commission of Audit

Order for the Production of Documents

Senator DI NATALE (Victoria) (16:07): I move:

That there be laid on the table by the Minister for Finance, no later than noon on 17 March 2014, any reports received from the National Commission of Audit.

I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: This motion relates to the Commission of Audit report. It is a report that will inform the May budget and, potentially, recommend some of the most sweeping changes that this nation has seen in a generation. The report was due to be handed to the Treasurer at the end of January. The commission received an extension for two weeks, and the report has now been with the Treasurer since mid-February—almost three weeks. Despite some initial equivocation around whether the report would be made public, I am encouraged to hear that the Treasurer has indicated that it will indeed be made public. The question is: will it be made public several days out from the budget or, consistent with the coalition's commitment to open, honest, transparent and accountable government, will we have an opportunity to actually debate the recommendations in the Commission of Audit report—or will the culture of secrecy in this government continue?

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Asylum Seekers

The DEPUTY PRESIDENT (16:08): A letter has been received from Senator Siewert:

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

"The failure of the Abbott Government to adequately respond to the tragic incident on Manus Island that led to the death of Reza Barati and the serious injury of many other asylum seekers."

Is the proposal supported?

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

The DEPUTY PRESIDENT (16:08): 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 HANSON-YOUNG (South Australia) (16:09): I rise to speak in favour of the motion as put forward by Senator Siewert. This is a really important issue for us to discuss in this place today. I know, when we have in the past had debates around the issue of how Australia deals with and manages the flow of asylum seekers and what we do to help offer
protection to refugees, often the level of debate in this place is very low. Often it becomes all
about the politics of the issue rather than about understanding the fate of the people whom we
are incarcerating in detention. There will be discussion, of course, as to how people arrived.
We know that, under this government, even the terminology that is used in relation to how
those asking for our help arrive here is negative: all government officials have been directed
to refer to them as ‘illegal’. In fact, they are not illegal at all. They are asylum seekers. They
are people who are asking for refuge. They are not illegal. There is nothing in Australian law
that says they are illegal—nothing but a directive from the immigration minister.

I do not want to spend the next hour in this place in an ugly debate, in what is often a very
toxic discussion, around asylum seekers and refugees. What I want to do here today is talk
about a very serious incident that occurred at the Manus Island detention centre only two
weeks ago. A young man died. That young man's name is Reza Barati, a 23-year-old from
Iran. He came to Australia as an asylum seeker, asking Australia to assess his claim. For all
asylum seekers, there is a process they need to go through in order to be given permanent
protection or, if they are not owed protection, to find them a safe way to be sent home. Now,
Mr Barati had not even had his asylum seeker claim assessed because not one of the people
who are detained at Manus Island have had their asylum seeker claims assessed, processed or
judged in any way.

The incident that occurred on Manus Island two weeks ago resulted in the death of this
young man. It also resulted in the serious injury of dozens of others. Seventy-seven people
suffered injuries as a result of the incident. We do not know all the facts of what happened on
that night or on the night before, when the first reports of an incident inside the detention
centre started coming out to the Australian public and through the media. We do not know all
the facts—

Senator Seselja interjecting—

Senator HANSON-YOUNG: because the government is not releasing all the facts.

Senator Seselja interjecting—

Senator HANSON-YOUNG: Mr Deputy President, if you could ask the senator on the
other side to desist so I can at least hear myself think.

The DEPUTY PRESIDENT: I will ask all senators involved in interjection to desist.

Senator HANSON-YOUNG: Thank you, Mr Deputy President. What we do know is that
a young man has died. We know that dozens of others have been injured. Many staff involved
in the incident wish to tell their stories of what happened—many of them traumatised
themselves by the incident—but they are not allowed to speak because as contractors to the
immigration department they have all signed confidentiality agreements. We will not know all
the facts as to what occurred that night. There is of course a review being run by the
immigration department and there is an investigation underway in PNG. Neither of those
investigations will, I believe, shed light on what really happened that night at the Manus
Island detention centre. It is one of the reasons why we need a parliamentary inquiry, and I
hope that we can establish that when the Senate votes on that motion, which will be put
forward by the Greens tomorrow.

We know that this whole policy of deterrence is designed to break people. It is designed to
be as harsh as possible, to force people to choose between two hells: either live in the hell that
is the Manus Island detention centre, where people are stripped of their rights, where they live in fear, or face the hell of being sent home, back to danger. That is the precise objective of this government's deterrence policy—to break people, to break people's spirits. And, unfortunately, it has done that. This young man was broken. Many others have been broken. And this is a country that has signed the refugee convention, a country that has said, 'We will look after those who come to our shore and assess their claims and, if they are genuine, we will take them in and look after them.' These people were under the care of the Australian government. The detention centre on Manus Island is funded by the Australian taxpayer. The contracts are signed by officials of the immigration department here in Australia. It is run in every sense by the Australian government. This man died in the care of the Australian government.

We know that the minister, in his first statements in relation to what happened on that day, misled the Australian people when he stood there and tried to blame the refugees and asylum seekers for causing the harm to themselves. He said that if people had not protested, if they had stayed inside the centre, this would not have happened to them. I think blaming the victim is one of the most sickening things I have seen the minister do. And I must say, this is a government that has been harsh all the way. They have not pretended about it; I will give them that. The Prime Minister says he does not want a wimp as an immigration minister. Well, he does not have a wimp; he has a bully. And we know that at the end of the day it is bullies who are usually the biggest wimps of all, because they are the ones who pick on the most vulnerable, who push them down, who push them away, who strip away their ability to speak up and have a voice. And that is exactly what this immigration minister is doing with this policy and exactly what this immigration minister did when he stood on day one after the death of a young man and blamed Mr Berati for his own death. What an appalling thing. What an appalling position for a leader within this parliament, a minister who is responsible for this person's care, to take.

We need more facts to come out in relation to this issue and here in this place we will not give up trying to get to the truth to what happened, holding the government to account for the responsibility they must take. We also need to make sure the staff in these places are looked after. Story after story of traumatised workers continues to come out. The brutality that was inflicted on the refugees that night shook Manus Island. Those staff need the right to speak out and to be protected too. (Time expired)

Senator BACK (Western Australia—Second Deputy Government Whip in the Senate) (16:17): I rise to reject out of hand the assertion that there has been a failure of the Abbott government to respond adequately to the tragic incident on Manus Island as has been described by the first speaker. And I will place on record, if I may—as others in the coalition have done—that any event that causes the loss and death of any person and injury to others is entirely regrettable. There is no question about that. But, as is usual in the case of the particular senator who preceded me, she has rushed to conclusions long before she ever should have done in this circumstance.

Acting responsibly, the Abbott government has of course deferred to the Papua New Guinean authorities—the Papua New Guinea police and coroner. But, in addition to that, the PNG and Australian governments have both commissioned reviews into the events surrounding 16 and 17 February at the Manus offshore processing centre. The Australian
government, of course, has directed that its review will be led by Mr Robert Cornall AO, a former secretary of the Attorney-General's Department and a very highly regarded bureaucrat in this country. He has been tasked to determine exactly what the facts are, to ensure that the facts are available to any authorities who will be called upon to take any action that might be required as a result, and to ensure that the department is provided with a clear recommendation on any improvements that are to be made—three very sound procedures that should take place.

I want to draw the attention of the chamber to the coalition's long-held policy in this whole area of which we speak. One need only go back to the previous coalition Prime Minister, Mr Howard, when he made the comment—which resounded around this country and still holds today—that:

We will decide who comes to this country and the circumstances in which they come.

One thing I will agree on with Senator Hanson-Young is that the coalition has been harsh. But the harshness has been and will continue to be on the people smugglers. We will continue to close down this evil trade in the movement of human beings. But we will also act—as has been the case for some years, when the coalition was previously in government and now that it is in government again—on the basis that the best way to protect these people is to make sure that they do not get on boats in the first place.

Regrettably, as we all know, since 2007-08 some 1,100 people have lost their lives in their attempts to come by boat to our shores. They are the ones we know about; it is probable that there are more. It is about one every second day. And, as has been said in this place, I think it has now been 71 or 72 days since we last had an asylum seeker vessel land on Australia's shores. If you average out those 1,100 people over that period of time, you could safely say that anything up to 35 people have avoided losing their lives under these circumstances.

What is of enormous concern to me in this whole debate is the fact that we conveniently ignore and overlook those genuine refugees who we know have been rotting for years in refugee camps approved by UNHCR to come to this country. I have had advice from an interested person in Western Australia about the corruption that goes on at the management level of those refugee camps. People who have been there for a long time in fact never get to the top of the queue, because payments are made to ensure that others jump that queue. That of course is where our concern needs to be, in my view. But, if we have a look at the evil trade these people smugglers have engaged in, we can see that in the life of the last government some 50,000 people arrived in over 800 boats.

In the last period of the Howard coalition government we had, I believe, four people in detention in 2007—and yet, at the time the coalition came back into government, we were dealing with some 30,000 people. We were looking at arrivals of two people per month in the last five years of the coalition government. Contrast that with some 3,000 people per month at the time we came back into government.

I will conclude with the observations of a young person, well known to me, who was on Christmas Island just prior to Christmas on the occasion of the arrival of yet another of these asylum seeker vessels. The point he made to me very strongly, as he watched these people come off the boats, was the obvious wealth of these people—from the clothing they were wearing, the sunglasses et cetera. He said of a group of Afghani men, whom he said certainly appeared to him to be of military bearing and military standing, that these were not your poor
asylum seekers; they were quite clearly people who were coming to this place illegally—

(Time expired)

Senator Kim Carr (Victoria) (16:23): I do appreciate Senator Back's extraordinary insight into the military capabilities of refugees coming to Australia!

The Prime Minister has spoken about not having a 'wimp' in control of border security. What we do have now are real questions about who is actually in control. I, for one, am quick to acknowledge that I do not think there is anyone in this chamber who would take any other position than deep regret at the death of Reza Berati. I also suggest that everyone in this chamber appreciates the grief that his family would be feeling over the manner in which he was killed—while effectively in Australian custody. I am very concerned—and I am sure many other senators here are equally concerned—about the fear that his family would feel in terms of the response from authorities in Iran.

We also know that were dozens—we do not know how many, but we are quite clear from reports that there were many dozens—of people seeking safety in this country injured in the events that occurred on Manus Island on 16 and 17 February. These are the facts that I think are now beyond dispute. What we know is that the reports that have emerged all too clearly demonstrate that there are serious questions to be asked about the competence of the minister who is responsible for the operation of Manus Island and that there are serious questions about the management of the facilities at the core of Australia's immigration and border control policies. The questions keep piling up as I read the newspapers and listen to the reports. On the ABC this morning, for instance, we heard of an Australian employee of the contractor G4S, the security firm, who is making extraordinarily serious allegations about the conduct of the Papua New Guinea police on the night Mr Berati died.

For the sake of all involved, it is now important that we get to the bottom of what actually happened there as quickly as possible. The circus of secrecy that surrounds the government's policy and its administration, frankly, has to stop. When the tragic events of Manus Island were first reported by the minister himself, it has been demonstrated that the facts were totally wrong. To quote from his media conference of 18 February, he said:

This is a tragedy but this was a very dangerous situation where people decide to protest in a very violent way and to take themselves outside the centre and place themselves at great risk …

So what we were told, in a very blunt and unequivocal way, was that the asylum seekers themselves were responsible for what occurred. Then we wait until 8.44 on the following Saturday night, when a media statement is issued, at that very late hour, entitled 'Manus Island update'. And what was the substance of that update? That the minister had got it fundamentally wrong.

A full five days after his initial report he sought to correct the record and to make it clear that the breach that led to the death of this particular asylum seeker, Mr Berati, actually occurred inside the compound—and that the perimeter itself had not been breached. He told us originally, if I may quote the proposition he advanced, that 'people would be safe inside the compound'. That was the assertion made: that we were dealing with transferees who breached the external perimeter. We now know that to be totally untrue.

On 22 February the minister said:
Earlier this week I noted that when people co-operate and conduct themselves appropriately within the centre then we are able to provide for their safety. This is the most effective way to ensure the security of these facilities and safety of all those who are accommodated and work within the centre.

That is the statement made on the night on which the record was being corrected! It seems to me, on the basis of a normal reading of that statement, that we could be assured that violence and death took place beyond the scope of that guarantee. It does seem, on what we have heard since that time, that the guarantee itself was quite hollow—because the majority of what the minister called 'riotous behaviour' took place within the perimeter of the facilities themselves. So, as far as I am concerned, the implications are quite profound. Only someone like George Orwell could look at this statement and describe it as an update. What we now know is that the safety and wellbeing of everyone in the facility on Manus Island is an open question. I say that both in terms of the asylum seekers themselves and the staff. We now know that the situation was entirely chaotic—and that reflects the way this centre has been administered.

It is quite clear that Manus Island is absolutely at the centre of the arrangements in place to deter people from taking that risky voyage by sea. But, in terms of the effect of the establishment of Manus Island, we know that between 19 July and the time of the federal election there had been a 90 per cent reduction in the number of people seeking to travel by sea. But that in no way justifies any government breaching the guarantee of safety that people have a right to expect. It strikes me that we have a situation here where the minister has made this guarantee and it needs to be enforced. We need to ensure there is genuine substance behind such an assertion. That is why Labor has welcomed the government's announcement of the independent inquiry and we look forward with interest to its interim report in March. The public needs to see the full report. We owe this not just to the people who are now in our custody, and who have been exposed to this violence, but to every Australian in whose name we are acting.

I woke this morning to the reports on the ABC and I was horrified. The ABC told us this morning that local G4S staff were the first in, followed by local contract staff. A G4S employee was quoted as saying:

We saw them going in with machetes. They had anything they could pick up—rocks, sticks, the poles from the exercise weights. Once they knocked people to the ground, they were stomping on their heads with their boots. A day later you could still see guards and staff and cleaners walking around with blood on their boots.

... ... ...

I just remember blood everywhere. Blood everywhere.

I think anyone listening to that report this morning would be deeply concerned that these people were acting in our name. I cannot for the life of me understand why the government feels it is necessary to act in secrecy about these matters. It is not enough simply to wash your hands of responsibilities on these sorts of questions. But it entirely goes beyond what I think anyone would regard as reasonable— *(Time expired)*

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (16:33): I support the contention in this matter of public importance that the Abbott government failed to adequately respond to the tragic incident on Manus Island that led to the death of Reza Barati and the serious injury of many other asylum seekers. It is about time that the hypocrisy we have heard in this place is brought to the fore. What we need is a royal commission into what has
occurred. We need an inquiry that has judicial powers and can bring in the documents and the evidence and give witnesses the protection they need. But there is not the will in this place to have the truth told in its entirety. That is because the Labor Party in government re-opened Manus Island and made all kinds of claims in this place. Go back to the debate, which I was reading through. I wonder how Senator Lundy feels now when you look at the claims she made defending the Gillard government at the time, saying that all of the conditions would be met and it would meet our human rights obligations. She listed all the things that would occur and she gave endless undertakings—all wrong.

Then we had the next Prime Minister, Mr Rudd, engaged in a memorandum of understanding, and now we have disgraceful behaviour from the current minister and the government, and the cruelty goes on to the point where Reza Barati is dead. I have used the word 'murder' in his case, because what else do you call a situation when a person is in the direct care of the government of Australia and they are dead inside the compound and there are reports of people stomping on people's heads. That is not an accident. What do you call it if there is intent?

Now I get to the reports that Senator Carr mentioned this morning on the question of whether G4S staff are to blame for the Manus Island violence—the reports that the G4S guards allegedly opened the doors of the camp to a local dog squad and PNG police and so on and so forth. They are the reports, but I want to go to a more fundamental question, because I am sick of hearing this in this place. We are supposedly breaking people and destroying their mental health. We end up with Reza Barati dead, 70 people in hospital, bashings and cruelty. Why? Because we are stopping people from drowning. That is why. That is rubbish. This is not about stopping people drowning, and it is about time that truth was told to power. That is outrageous.

I want to go to that point right now. What has this government or the last government done to help people not get on boats? Number one: have they put more money into the UNHCR in Indonesia to assist? No, they have cut the funding. What about the humanitarian intake? Under the last government there was a promise to increase it, and what has this government done? They have decreased the humanitarian intake from 20,000 to 13,750. They have decreased the humanitarian intake and decreased the money in Indonesia. There is all the talk about people worrying about people drowning. That is not the case. You have never supported upholding the Safety of Life at Sea convention. When we questioned—

*Senator Seselja interjecting—*

**The DEPUTY PRESIDENT:** Order! Senator Seselja, I have noted your name is on the list. You will have an opportunity later. Senator Milne, you have the call.

**Senator MILNE:** Thank you. I appreciate that, Mr Deputy President. When the SIEVX sank, 353 people died. Why? Because the Howard government had stopped a program of allowing family reunion. Women and children were on that boat because they had no other way of joining the rest of their family in Australia. That was a policy decision designed to stop families being together and people had no hope except to be on that boat. To this day, we do not know whether they were allowed to drown. That is a question I have asked for very many years. I am making this very clear.

**Senator Bernardi:** That is shameful.
Senator MILNE: It is not shameful; it is truthful.

Senator Bernardi: You are a disgrace.

The DEPUTY PRESIDENT: Order! Senator Bernardi, you are also on the list, I have noticed, so you will have an opportunity to comment.

Senator MILNE: To this day, the survivors of the SIEVX say that a ship came and put lights on the water. They started shouting and swimming towards the lights. The lights went off and the ship went away. That is what the survivors say. What did Australia know about where they were? Why were the ships not dispatched to rescue them? To this day every inquiry we have tried to get up into the SIEVX has been blocked, and so it goes on. We are involved in a cover-up over what has gone on on Manus Island. I say that because you have Prime Minister O'Neill in PNG saying:

Under agreement, all media queries relating to this deceased transferee are being handled by the Australian government. You have to direct your queries to Canberra …

Then we have an Australian government statement saying:

This is actually a police matter in PNG, so our role has been to support the PNG police in the investigation of a crime, and any matters that follow in relation to an autopsy or a coronial inquest are matters for the PNG government, and we have provided all the support that has been required for that. It is not a matter that is within our control.

So the Australian government puts in a detention centre, does its memorandum of understanding, says it is going to be in control, says it can guarantee safety, and then disaster occurs and it immediately says, 'It's actually up to the PNG government.' The PNG government brings out a statement saying, 'It wasn't our police. No—everything on our end was fine.' This is a cover-up and that is why we need a royal commission to get to the bottom of it, but we need to close that centre right now. If you had any sense of decency and humanity, that is what you would do.

I want to congratulate the 500 academics who signed an open letter to Prime Minister Tony Abbott. It says:

We believe that the current approach to dealing with asylum seekers arriving by boat, especially offshore detention and claims determination, is seriously flawed and unsustainable. It breaches Australia's international legal obligations, including its obligations as a party to the Refugee Convention. It demonstrably harms the physical and psychological health of detainees. Furthermore, it seriously undermines the status and good name of Australia as an international citizen.

We call on the Australian government to close the detention centres on Manus Island and in Nauru immediately.

Yours sincerely—and it is signed by 500 academics in all kinds of academic pursuit around the country. I congratulate them and urge every Australian to stand up to this. It is a cover-up. We need it to be opened right up, but we need Manus Island and Nauru to be closed immediately. This is a disgrace to the nation. In future, people are going to look back and say, 'How did this parliament allow this to continue?' Frankly, Liberal and Labor are complicit in keeping Manus open and in keeping this an internal inquiry when it needs to be a royal commission.

Senator BERNARDI (South Australia) (16:41): I commence my contribution to this debate by saying how I wholeheartedly support Minister Scott Morrison in his dogged pursuit
and determination to stop the people smugglers. He is ably assisted by our Senator Cash, the assistant minister in that capacity. I find it rather extraordinary that when even the Labor Party acknowledges that the government is focused on getting to the bottom of exactly what happened in the incident on Manus Island that led to the death of asylum seeker Reza Barati, the Greens somehow want to make political mileage out of it. The Labor Party have acknowledged that the government is taking appropriate steps to establish exactly what has happened. I do not particularly like the slant that Senator Carr put on it in his selective quotation of what the minister said in successive press conferences. Most of the comments that he made were about the advice that he received. He was constantly and continually updating members of the public and the press gallery as new advice came to hand. So it is a little disingenuous.

But I cannot stand here and let go some of the most grotesque slurs to have been cast upon a previous government, the comments by Senator Milne. To merely suggest that any government of this country would stand by or have their navy float by and watch people drown, as Senator Milne alleged in her grossly defamatory and I think hypocritical address, is an appalling assessment of the judgement of the Greens party. It is an unbelievable slur upon any government to suggest, as Senator Milne has done, that we would stand by and watch people drown for some sort of political expediency. That might be the standards by which you judge your own contribution, Senator Milne, but it is not the standard of contributions from those on this side of the chamber. The appalling hypocrisy of those in the Greens party is begat from their absolute jealousy and their outrage that policies are actually working, demonstrating that their ideas are simply as kooky as they have always been.

Senator Milne asked: 'What has this government done to stop the boats coming?' I could point to the track record that the boats are no longer arriving on Australian shores or in Australian waters, that we have not had an illegal boat arrival on Australian shores for countless days. I cannot believe that Senator Milne thinks that somehow that is a bad outcome.

There is further evidence which I read recently about how the price of a ticket for passage on a people-smuggling vessel has plummeted from $10,000 to $1,000 because the demand is drying up. But that would smell like success. They are unfamiliar with success in the Greens and they are jealous of it. They do not like our success because it exposes just how hollow their whole agenda is.

We have had no arrivals. We have had no drownings at sea. We have not seen 1,100 people drown, as happened under the policies of the previous government and their alliance with the Greens. We have not heard the dismissive, 'Accidents happen,' and 'Tragedies happen,' from the spokesperson for the Greens. We have not seen anything except for the fact that the policies implemented by this government are working.

Do you know how the Greens characterise it? They characterise it as some sort of reality TV show. It is like it is a soap opera to the Greens' spokesman. Senator Sarah Hanson-Young thought it was like an episode of Border Security or Sea Patrol. That is extraordinary. This is the national parliament. We are debating the sovereignty of Australia's borders and the right of people to come to this—
Senator Hanson-Young: Mr Deputy President, I rise on a point of order. I would like Senator Bernardi to correct the record seeing as the Hansard for Senate estimates does not prove that at all.

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

Senator BERNARDI: YouTube will testify—I should send it to you, actually, Mr Deputy President—how Senator Hanson-Young thought that our border protection officers were part of Sea Patrol, that fictitious drama series.

Senator Hanson-Young: Mr Deputy President, I rise on a point of order. Senator Bernardi is misleading the Senate.

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

Senator Seselja: Mr Deputy President, I rise on a point of order. Not only is that not a point of order; the senator should actually withdraw. She cannot make that claim. There are formal procedures for making such claims.

The DEPUTY PRESIDENT: I have ruled on the point of order. There was no point of order.

Senator BERNARDI: What we have is the Greens' spokesman on this matter cavalierly dismissing—

Senator Hanson-Young: Mr Deputy President, I rise on a point of order: I am not a man.

Senator BERNARDI: I think she is withdrawing, Mr Deputy President. I think she is going to withdraw her spurious allegations.

The DEPUTY PRESIDENT: Order! I indicate to Senator Hanson-Young and other senators that spurious points of order will not be tolerated. Points of order are to be utilised for important purposes.

Senator BERNARDI: What we have all of a sudden is the arrogance and outrage of Senator Hanson-Young because not only has her policy position been exposed as the folly that it is; there is also the not-so-small matter that our policy is working. Senator Sarah Hanson-Young is upset because everything that she has built her political career around—faux crocodile tears, the Sea Patrol issues, the dismissal of people drowning at sea and the grotesque accusation from Senator Milne, which was that we stood by and were prepared to watch people drown—has been false. It has been built on a house of cards, on the lie that somehow if we had a more compassionate policy it would stop the boats. That is not true. Our policy is compassionate. It is compassionate because it stops the boats. It takes away the people smugglers' product. It puts back into the Australian government's hands the determination of who should participate in our generous humanitarian refugee program. It puts the people smugglers out of business. If the Australian people are serious about a humanitarian immigration program then they will salute the fact that we have regained control of it. They can see firsthand the dangers of extremists who have really no ideas grounded in reality and the implications of the kooky policies of the Greens, who have made some truly vile suggestions today.

In conclusion, we as a collective in this Senate should be appalled at the death of any individual who is seeking asylum in this country. We should be appalled, and there is no question about it. It is hard. It is very tough on the minister. I know he takes it to heart, as do
we all. The simple fact is that it is better to have an orderly immigration program than one in which hundreds, maybe thousands, of people could perish at sea. This is the great tragedy of it. We are doing our best. The Australian people have asked us to go in and fix up the mess that was created by the policy agenda of the previous government, together with the Greens. It is time that we took stock of that. That is why I appreciate the Labor Party saying that the government have taken appropriate steps to inquire into this. I would ask the Greens to reflect on their politicising of a tragic event. (Time expired)

Senator SINGH (Tasmania) (16:49): I support the contention in this matter of public importance that the Abbott government failed to adequately respond to the tragic incident on Manus Island that led to the death of Reza Barati and the serious injury of many other asylum seekers in the detention facility on that island. I reiterate my Labor colleague Senator Carr's remarks on the question of who is in control of immigration policy in this government and in this country, because there is a serious question over the minister's competence. There is a serious question about the grip that he has on his portfolio and the way he has handled the Manus Island detention facility incident. Those questions loom large. There are still no answers from the minister. All we had were emphatic statements when the tragic event first happened—and then later they turned out, as we know, to be totally wrong. The minister tried to hide by correcting the record in the dead of night. This is not the behaviour of somebody who should be managing an incredibly important facility that I am sure the government would call the cornerstone of their border protection policy. There remain questions looming large as to the minister's competence in the way he is handling this facility and his entire portfolio.

The minister initially said that these matters happened outside the perimeter of the facility and that if asylum seekers were going to breach the perimeter then that was going to be a matter for them. But at the same time as he said that, he gave a guarantee of safety that, if they stayed inside the boundaries of that facility, he could guarantee their safety. Clearly he could not. We are still waiting, though, for that truth to be told.

This circus of secrecy around this government's border protection policy must stop. It has been going on since this government came to power—secrecy not only in this policy but across the board in a number of portfolio areas. When it comes to this circus of secrecy, though, it is probably in this area that it has been the most profound. People in this country have a right to know what is going on and the minister should be out there telling them exactly that. Instead, the grip that he has on his portfolio is very weak and, while this secrecy continues, becoming weaker by the day. The public want to know what is happening and how people are being treated in Australia's name. They have every right to know that. He is a minister of the Crown, he is the minister for immigration, and it is under his watch that this has occurred. It is under his watch that someone's life has been taken and that a number of asylum seekers have been injured.

The government cannot keep hiding from the public because, as we already know, information is coming out, regardless of the minister ducking and weaving and not letting the public know anything. We heard this morning, through the ABC's AM program, about a G4S staff member who has spoken out about the situation. Chris Uhlmann reported on that program that not only are asylum seekers incredibly traumatised by what has occurred but G4S staff themselves are also incredibly traumatised. He said:
Some have left the island suffering from serious post-traumatic stress and one … has spoken to the ABC … and says the situation is now so tense that the asylum seekers are refusing to have anything to do with local staff.

In fact, the G4S guard said that asylum seekers now feel so unsafe that, when they tried to bring local cleaners in the day after the incidents, it just about started another riot. The asylum seekers now want nothing to do with any of the locals. That is how tense the current environment is and remains on Manus Island. We have had three very serious incidents since Minister Morrison became minister, since the Abbott government came to power. The most recent, though, is this one which resulted in a young man tragically losing his life. What we have is a minister who simply has no idea what is going on, or at least is not willing to tell the public about it.

The question remains: where does the minister's guarantee of safety now stand? How can he enforce the statement that he made about a guarantee of safety? I may stand here and wish that Manus Island and the detention facility did not exist, that the death of Reza Berati did not happen and that the injuries and the trauma caused to asylum seekers and staff did not occur. But it does exist and these events did happen. The detention facility on Manus Island exists today—and I am sure it will tomorrow as well—but we need to ensure that people who are within our jurisdiction are provided with the highest level of safety. Yes, they may be on Manus Island, but they are still within our jurisdiction. That is something that must happen under this government's watch—under this parliament's watch. That is what is definitely owed after the tragic events that have occurred in the last week.

Yes, Labor does welcome the announcement of an independent inquiry. That will go some way towards getting to the bottom of what has occurred and we do look forward to an interim report as soon as possible—I think this month. The Australian public also needs to see that inquiry so that everyone can understand where the government is going wrong in its management of this facility and what steps are being taken to fix this mismanagement. Why? Because this is about human dignity. This is about taking ownership of what has occurred.

This is happening under Minister Morrison's watch. He is the minister. He needs to take ownership of what has occurred. He needs to ensure that such a riot—such an event—does not occur again. He needs to quell the fear, the trauma and the disquiet that now remains in the Manus Island detention centre. He needs to provide the public with some reassurance that this simply is not going to happen again. He also needs to deal with the atmosphere, which we have heard from the ABC's 7.30 program is now so tense that it will not take anything much to potentially kick off another round of unrest. Surely the minister does not want that on his watch. Surely he is doing all that he can to ensure that such an event does not occur again.

The other concern I have is whether there were unaccompanied minors on Manus Island during this riot. I did ask a question during Senate estimates regarding unaccompanied minors. As the minister has said himself, it is not an appropriate place for children. I was given an answer by the secretary of the department, Mr Bowles, that there were no unaccompanied minors on Manus Island. But we know, from the Amnesty International report that came out in December, that there had been reports of at least two or three unaccompanied minors on Manus Island. It is certainly my hope that there were not any there during this riot. Having said that, for anyone there it was certainly a terrible tragedy that they should never have had to endure. I hope it never happens again.
Senator MADIGAN (Victoria) (17:00): Today, we discuss the government's policy to process asylum seekers on Manus Island. The bad idea of processing asylum seekers on Manus Island was the brainchild of one of the previous ALP governments. The new, coalition government, however, has taken to this policy like a duck to water and has done very little in attempting to advance the wellbeing of those who are held in detention.

The precise circumstances which led to the sad death of Mr Reza Barati may not be known at this time by the government, but what is known is that Mr Barati's death took place in an atmosphere of anguish and perpetual suffering for over a thousand asylum seekers in offshore detention and, to a lesser extent, in onshore detention.

The issues surrounding Manus Island are too numerous to mention in this debate. However, recent reports state that there has been limited drinking water for asylum seekers, with some figures suggesting that people have had to get by on as little as two cups of water per day. Taking into consideration the environmental conditions, this is completely unacceptable, if it is true.

Amnesty International reported last year that men would often have to wait in queues for up to five hours in order to access food or toilets. However, what many find most astounding is that these people—people who have done nothing wrong other than seek asylum, people who just want peace and stability for them and their families—are being detained without even being given a sentence. They do not even know how long they will be there—weeks, months or years.

Earlier today, I put forward a motion calling on the government to work more closely with Indonesia to stop people attempting the treacherous journey to Australia by boat. I am not against people seeking asylum; I simply want them to act safely and proportionately to the circumstances in which they find themselves. There are currently thousands of asylum seekers in Indonesia, and many of them are there due to previous Australian and Indonesian government policies. We need to step up to the plate now and be fair. We need to take on board more of those people already in our region who are seeking asylum and help them get their lives on track within Australia.

And that leads me to my last point. The last point that I called on the government to adhere to in my motion this afternoon, which was supported by the Greens, was that we should be processing people here. The Abbott government is telling us all to live within our means. Well, it was made very clear at Senate estimates last week, that it would be much cheaper for asylum seekers to be processed onshore and in community detention than the way we are currently doing things.

We need to start being sensible about the issue of asylum seekers. We must act in a balanced, dignified, safe and compassionate manner. We must ensure that we take some responsibility for the wrongs committed by the global community of which we are part. I acknowledge Senator Back's comments that there are people offshore in camps, who have been there for decades—maybe like the Karen people on the Thai-Burma border. What are we doing to bring them here?

Senator SESELJA (Australian Capital Territory) (17:03): I start by offering my condolences to the family of Reza Barati. I echo the condolences that the government has
expressed for this tragedy. I also congratulate Minister Morrison. I join with other coalition members in rejecting the premise and the intent of this MPI that we are debating today.

Minister Morrison, in very difficult circumstances, is doing the job that the Australian people asked him to do and which the Prime Minister has asked him to do—that is, to regain control of our borders and to stop the flow of illegal boats. Minister Morrison is doing that job in very difficult circumstances, despite the protestations of some of those opposite. I think we should take the time to reflect on the fact that the job of stopping the boats and stopping the drownings is now underway. Minister Morrison deserves praise for that rather than many of the false criticisms that have been tossed around, particularly by the Greens but also by members of the Labor Party.

Let’s go to the substance of this issue. The facility on Manus Island was established by Labor. It was established with bipartisan support from the coalition. There was a disturbance with a tragic death at the end of that. The minister gave information as it arose, and where he was advised that information was incorrect he corrected the record, giving constant updates in relation to the information that was coming.

The government, as has been stated already, has commissioned a review by Robert Cornall, which will look into all the circumstances of this tragedy. Unlike some of those opposite, particularly the Greens, we will not be prejudging that investigation. That investigation should be allowed to take its course.

What I will not do is allow the Greens to lecture the coalition on compassion and effective policy in this area. I will not accept that. I will go to what Senator Hanson-Young said at the start of her address. She said that she wanted to raise the tone. I agree: we should raise the tone. We should raise the tone above statements like Senator Milne's, which was that he was murdered. We should raise the tone above the statement of Adam Bandt, which was that we killed him. We should raise the tone. We should raise the tone above what we hear constantly from those opposite. We should raise the tone above Senator Hanson-Young's statement in response to deaths at sea. When asked whether she took any responsibility she said, 'Of course not; tragedies happen. Accidents happen.' How simple it was when the Labor Party and the Greens were running things and 1,100 people drowned.

Senator Hanson-Young's response, in those circumstances was that tragedies happen, accidents happen and that she does not take any responsibility. I think we should raise the tone and we should—

Senator Hanson-Young interjecting—

Senator SESELJA: It is interesting, isn't it: no responsibility for the policies that you supported—no responsibility whatsoever. I agreed with the former minister Tony Burke when the Labor Party belatedly acknowledged that the policies were not working. He said, and I agree with this statement:

There is nothing compassionate in a policy where you see people drowned at sea.

... ... ...

In the first place, if it does have an impact on the number of people risking their lives on the high sea, that is a massive difference and compassion can’t be limited to who is in your line of sight. The people who drown on the way here don't end up giving interviews.
No, they do not. Tony Burke was right: there is nothing compassionate about the kinds of policies that were pursued for most of the time that the Labor Party was in government and are still advocated by the Greens and were advocated right the way through this motion.

We are faced with choices. We can go down the path that the former government went down and we can see what results they got. What were those results? Fifty thousand people arrived illegally on 800 boats; more than 1,100 people tragically perished at sea—one every two days; more than 6,000 children had their lives put at risk by making the dangerous journey to Australia; and more than 14½ thousand desperate people have been denied a precious resettlement place under our offshore humanitarian program because, under the former government and the Labor-Greens policy, those places were taken by people who arrived illegally by boat. This is about choices. We have a choice as to whether we want to revisit what happened over the last six years, with all of the tragic consequences, or whether we implement policies which stop the boats—because when we stop the boats, we stop the drownings.

Some of those opposite might want to pretend that those 1,100 people who drowned do not matter. I do not accept that. Just as this one death was a tragedy and we need to get to the bottom of it and develop policy responses to make sure it does not happen again, those 1,100 deaths were a tragedy. We are putting in place policy responses to make sure it does not happen again.

You have to ask the question: do the Greens want the policy to fail? It would appear from everything we have heard that they do, because, at no point in any of their contributions either in this place or elsewhere, have they said, 'Isn't it good that people are not risking themselves on that journey in the numbers that they were? Isn't it good that we haven't seen any drownings for the last few months because the boats are stopping?' Isn't that a good thing? Shouldn't we be celebrating that? If you genuinely cared, you would have it within yourself to say, 'Yes, it's a good thing.' We will get to the bottom of this tragedy, but let's stop the thousands of tragedies that we saw under six years of Labor-Greens government in the past.

The ACTING DEPUTY PRESIDENT: Order! The time for the discussion has expired.

AUDITOR-GENERAL'S REPORTS

Report No. 21 of 2013-14


DOCUMENTS

Responses to Senate Resolutions

Tabling

The ACTING DEPUTY PRESIDENT (Senator Ruston) (17:11): I present a response from the Premier of New South Wales, Mr O'Farrell, to a resolution of the Senate of 12 February 2014 concerning the International Day of Zero Tolerance to Female Genital Mutilation.
BILLS

Social Services and Other Legislation Amendment Bill 2013

Explanatory Memorandum

Senator MASON (Queensland—Parliamentary Secretary to the Minister for Foreign Affairs) (17:11): I table an addendum to the revised explanatory memorandum relating to the Social Services and Other Legislation Amendment Bill 2013.

COMMITTEES

Parliamentary Joint Committee on Human Rights

Report

Senator SMITH (Western Australia) (17:12): On behalf of the Parliamentary Joint Committee on Human Rights, I present the third report of the 44th Parliament of the committee on the examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011.

Ordered that the report be printed.

Senator SMITH: by leave—I move:

That the Senate take note of the report.

This third report of the Parliamentary Joint Committee on Human Rights in the 44th Parliament sets out the committee's consideration of 17 bills introduced during the period 11 to 27 February 2014, 87 legislative instruments received between 1 and 21 February 2014, and seven responses relating to 20 bills and legislative instruments on which the committee had commented in its first report of the 44th Parliament.

The committee considers that seven of the bills and 81 of the legislative instruments it has considered do not give rise to human rights concerns. The committee has identified nine bills, two legislative instruments and a number of responses for which it will seek further information before forming a view on compatibility with human rights.

In considering the legislation that comes before it, the committee strives to provide advice to the parliament in as timely a matter as possible so as to inform the consideration of legislation. At a recent symposium on the Human Rights (Parliamentary Scrutiny) Act 2011, I had the opportunity to reflect on the role of the committee and its work to date. In the course of my address, I noted expectations that the committee, together with the requirement for statements of compatibility, would play a significant role in ensuring that human rights are explicitly and systematically taken into account in the legislative process.

A key element of the committee's work is the dialogue it maintains with executive agencies regarding the consideration of human rights in the development of policies and legislation. The committee's concern is to ensure that statements of compatibility provide adequate analysis and explanation of any proposed limitations on rights. At the same time, the committee's work is squarely focused on the consideration of legislation by the parliament. The committee not only aims to complete its work while legislation is still under active consideration by the parliament but seeks to draw its work to the attention of other parliamentary committees charged with examining particular bills and instruments at the earliest opportunity.
The committee's comments on legislation are intended to draw the parliament's attention to any potential conflicts with Australia's human rights obligations and to contribute to the effective identification and consideration of human rights implications throughout the legislative process.

I noted the committee's efforts to ensure that its reports are clearly expressed, not overly legalistic and reasonably accessible. I also observed that there is some considerable scope for enhancing parliament's consideration of human rights and stated that, in the 44th Parliament, the committee intends to focus greater attention on enhancing the parliament's awareness and understanding of human rights issues. With this in mind, I would like to take this opportunity to advise the Senate that, of the bills considered in this report, those which are scheduled for debate during this current sitting week include:

- the Tax and Superannuation Laws Amendment (2014 Measures No. 1) Bill 2014;
- the Tertiary Education Quality and Standards Agency Amendment Bill 2014;
- the Environment Legislation Amendment Bill 2013; and
- the Higher Education Support Amendment (Savings and Other Measures) Bill 2013.

I can also advise that the committee has decided to defer its consideration of the Fair Work Amendment Bill 2014, which was introduced on 27 February 2014, to enable closer consideration of the human rights implications of the bill.

The committee is mindful that not all parliamentarians are familiar with human rights and that most of us are not legally trained. The committee has therefore given some thought to how it can assist parliamentarians to develop their understanding of human rights issues and make effective use of the committee's reports in their work within the parliament.

The committee has developed a plain-English guide to human rights which it intends to publish on its website. This guide focuses on 25 of the key rights found in the seven treaties against which the committee considers questions of human rights compatibility.

The guide is not intended to be comprehensive or legalistic. It is intended to complement other human rights sources, in particular guidance and resource material available on the Attorney-General's Department's website and on the Australian Human Rights Commission's website. It is intended to provide a short and accessible overview of the key rights that the committee considers when examining legislation, includes examples to illustrate how each right can be applied in practice and points to other information and sources that may assist those seeking a more comprehensive analysis of the rights discussed.

A further way in which the committee is able to contribute to the consideration of human rights within the parliament is through its ability to undertake thematic inquiries into legislation that raises significant or complex human rights questions. The committee's ability to look at acts has provided it with the flexibility to give careful consideration to key human rights concepts, even after legislation has been passed by the parliament, while at the same time retaining a strong practical focus for its work.

In the 43rd Parliament, our predecessor committee applied this approach to its examination of the Stronger Futures package of legislation and used its 11th report of 2013 to set out its understanding of the concept of special measures and the circumstances in which special measures may be permitted, or required, under human rights law.
In considering those measures described as special measures in the Stronger Futures legislation, the committee noted the importance of continuing close evaluation of such measures and concluded that the committee could usefully perform an ongoing oversight role in this regard. The committee recommended that in the 44th Parliament the committee should undertake a 12-month review to evaluate the latest evidence in order to evaluate the continuing necessity for the Stronger Futures measures.

I am pleased to advise the Senate that the committee has given careful consideration to our predecessor committee's recommendation and has decided to undertake a review of the Stronger Futures package of legislation commencing in June 2014. In preparation for this review, the committee proposes to write to the minister advising him of its intention to undertake this review, invite him to respond to the conclusions drawn by our predecessor committee in its 11th report of 2013 and alert him to the range of information the committee will seek from him and his department as part of the review. The committee proposes to report the conclusions of this review in 2015.

Finally, I would like to take this opportunity, on behalf of all members of the committee, to acknowledge the work of the current committee secretary, Ms Jeanette Radcliffe, who is leaving the secretariat. Ms Radcliffe has been the secretary of the committee since its inception and has done an outstanding job supporting both the current and the previous committees. Thank you, Ms Radcliffe, for all your hard work and patience, and our very best wishes and good luck for your future endeavours.

I commend the committee's third report of the 44th Parliament to the Senate.

Question agreed to.

**DOCUMENTS**

**Korea-Australia Free Trade Agreement**

**Senator WHISH-WILSON** (Tasmania) (17:20): I seek leave to make a statement in relation to the government's tabling of the modelling outlining the economic costs and benefits of the Korean free trade deal.

Leave granted.

**Senator WHISH-WILSON:** I start by thanking Senator Cormann, the Minister for Finance, for providing the information that we sought relating to the modelling of the Korean free trade deal. Free trade deals are one of the biggest items on this government's agenda. The Greens have been very vocal about our desire to see a more mature and balanced debate relating to free trade in Australia. I am pleased to have received the information on the modelling. In discussions with DFAT at estimates last week, they acknowledged that the modelling that has been completed was not put out to tender because it was below the $80,000 threshold and that the modelling itself was limited. The modelling factors in trade in goods between the two countries but not trade in services. Essentially, it looks at changes to tariff structures and impacts on different industries. The modelling itself is not capable of looking at the inherent complexities involved in trade deals, especially in relation to areas such as ISDS, investor-state dispute settlements, and what impacts they have on, for example, future trade flows and investment flows between nations. It is, as I expected, a fairly limited modelling arrangement. Why I am talking about it is not because I am grandstanding here. It is an economic model. I have taught quantitative methods and I understand the limitations.
The issue I have is that the government is out spruiking this free trade deal. Just on Q&A last night, a Liberal MP was talking about a $5 billion-a-year boost to the Australian economy and multiple jobs. I think this is the risk that we run with this free trade agreement. That is why I wanted to see the modelling. Because if we are out there talking about free trade, we should also be acknowledging that trade—let us put aside the word 'free' for a second—has risks. This was clearly reflected by the Productivity Commission in what was probably the most comprehensive report that has been done, certainly in recent decades, in relation to trade in this country. For example, they highlighted that these investor-state dispute clauses do not add anything to trade. What they could lead to is inflexibility for us as parliamentarians in relation to our sovereignty and our ability to legislate in the public interest.

The Productivity Commission also very clearly stated that the potential benefits—and I underline the word 'potential!'—of the free trade agreements currently under negotiation have been oversold and their negatives largely ignored. What I am asking and what the Greens are asking for—and I am sure Senator Madigan and others in this chamber also—is a more mature debate about trade. We need to recognise the risks.

One of the specific things that I was interested in getting access to in this modelling was what scenario analysis, if any, or what simulations had been done in relation to the car industry. We know from the collapse of various automotive manufacturers in this country that they have all fingered free trade deals as being a culprit for their decisions to close down. That was especially the case with Toyota. They very clearly made a statement where they cited the impacts of current and future free trade deals for their decision to close. We have got on record last year, even in October and November, automotive industry experts saying that if the Korean free trade deal goes ahead it will finish the car industry in this country. Taken in isolation, a change to their tariff structure may not be enough to close their industry. But it makes sense that an industry that is under pressure, especially because of a high Australian dollar and its cost base, does not need extra pressures. They very clearly outlined that this free trade deal, if it were to proceed, would shut down the industry. It was certainly highlighted on that day as playing a major part in their decision to close.

I was interested to see whether this type of risk and this type of cost had been factored into our free trade deal, because I think it is only fair that if you are going to talk about the benefits of free trade—and I have no doubt there are benefits to trade between nations; we have been trading for over 10,000 years as people and it is a natural thing for us to do—you also have to talk about the costs. What concerns me about this document in front of me is that, clearly, it was ex-post the collapse of Toyota. So it has only been written in the last week or two. Certainly, the date on the report is 28 February, which is the date after we asked comprehensive questions at estimates on these types of risks.

I will try to seek Labor's support and other support to find out what other modelling was done prior to this new report that I have in my hand, because the government were talking about these benefits in the second half of last year when they came into government. The Korean free trade deal itself was one of the first things they went on the front foot about in terms of their trade agenda, saying what great outcomes this would have for the economy. I would be very interested to see what types of modelling they did to make those claims and to know why I now have in my hands what certainly seems to be—and I am happy to stand corrected—an economic modelling exercise that was done the day after estimates or was...
certainly changed after estimates, because it incorporated the collapse of one particular industry.

I believe—and I said it last week in estimates—that these types of risks to the automotive industry should have been factored into free trade deals, as should any industry that is negatively impacted. If you have a look at this document, you will see there is a table of industries that are negatively impacted. That is good. Although we are only dealing with trading goods here; we are not dealing with the trade in services and we are not dealing with a whole complex arrangement that is now in place for trade deals. Trade deals now are not what they used to be. Currently, they are mostly about investment and protecting investment. By that, I mean direct foreign investment; long-term investment; 20- or 30-year investments; protecting companies; and IP. There are a whole range of things now that there never used to be.

In dealing with investment flows between countries, suddenly we have a whole new array of factors that we need to consider in trade deals. That is what the Productivity Commission warned of. Certainly, I do not see any recognition of costs here. It is very clear that the modelling is talking about nett benefits.

Another reason I am so keen to shed more light on these trade deals is that we are now talking about sending a massive delegation to China and Japan. We are also negotiating what I suspect is possibly the biggest trade deal ever: the Trans-Pacific Partnership Agreement. It is between 12 nations. It is a multilateral trade deal and it contains a whole new set of complexities. We absolutely have to get a mature debate going in the Senate if we want to see it in the country and if we want to see in the media.

We should not be going out, spruiking the benefits of free trade deals without acknowledging their costs, certainly in the case of giving corporations the same sovereign powers as nations. The ISDS is quite simple. It gives the corporation the ability to sue a government if they change a policy that impacts on their future profits. That is it. They set up an international arbitration, parallel with governments, that allows corporations to sue governments for changing legislation.

They are talking about carve-outs, some sort of legal jargon in clauses that will certainly lower the risk of that happening. But it is happening all around the world, because trade deals are evolving into areas where they are now. For example, look at not only IP but also internet access. There are all sorts of things that we all use in daily life. It is time that we took a much closer look at the powers that we want to give corporations.

This is not about stifling investment; in the US free trade deal John Howard decided that we did not need these clauses in our free trade deals, yet now we are incorporating them. There is a very clear assumption that we had good legal systems back then and they were not necessary. So why are we taking these risks now? Someone has made this decision on our behalf. I have no idea whether it was Minister Robb or someone at DFAT, but we need to get to the bottom of this. That is why I am going to the effort of standing here today talking about trade for 10 minutes. It is not the most exciting of subjects, but it is absolutely essential to do this because it is very important for this country's economy, community and environment.

Question agreed to.
DOCUMENTS

Tabling

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

BILLS

Australian Research Council Amendment Bill 2013
Education Services for Overseas Students Amendment Bill 2013
Telecommunications Legislation Amendment (Consumer Protection) Bill 2013
Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013
Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013

Assent

Messages from the Governor-General reported informing the Senate of assent to the bills.

COMMITTEES

Foreign Affairs, Defence and Trade Legislation Committee

Report


Ordered that the report be printed.

Senator MADIGAN (Victoria) (17:31): by leave—I move:

That the Senate take note of the report.

When the Fair Trade (Workers' Rights) Bill was introduced to the committee last year, I did not anticipate the strong level of support it would receive from relevant industry leaders both domestically and internationally. I am very grateful to all those who made submissions and I am pleased that 83 per cent of these submissions were in favour of the bill. However, I am a little disappointed by the report produced by the committee and would like to express my response to those views now. The committee report states:

The proposed legislation may constrain FTA negotiations.

I do not believe this bill will constrain the negotiation of trade agreements. On the contrary, it will set a basis from which to begin negotiating a fair and reasonable outcome for workers both at home and abroad. These reasonable outcomes include: freedom of association; the right to organise and collective bargaining; freedom from discrimination; the elimination of the worst forms of child labour; a 40-hour week; occupational health and safety standards; the idea of an appropriate minimum wage; and weekly rest. I ask the committee: which of these outcomes are not fair and reasonable? Which of these internationally recognised standards does the committee think international workers do not deserve?
The committee report also mentions that 'there is no evidence of a policy failure with regard to Australia's current approach to FTAs and workers' rights'. Australia's policy may not be a failure; however, it is far from perfect. Home Loan Experts elaborated on the reasons why. They said:

One of the most apparent examples would be Bangladesh, where recently a factory building collapsed due to shoddy construction and unsafe working conditions and an estimated 1,129 people died. Less than six months before this, another factory building caught fire and more than 100 people died. In this case too, unsafe working conditions, as well as poor maintenance and planning, were the cause behind the large number of deaths.

While Australia is only one market for these 'shoddy' companies, we have a strong record in the area of workers' rights. This bill provides a strong opportunity for Australia to lead by example on the global stage.

The Australian Council of Trade Unions supported these ideas. They said:

We strongly believe the primary objective of all trade negotiations should be to raise living standards and make a positive difference in the lives of working people in accordance with the principles of sustainable development. Reducing barriers to trade and investment and increasing economic cooperation and integration are possible means of achieving this.

The peak body of Australian vegetable and potato growers, AUSVEG, believes that 'it is a reasonable expectation that trading nations should observe and implement these [the bill's] standards'. The Australian Lawyers for Human Rights provided further reasons. They said:

ALHR considers that passing the bill will assist Australia to meet its obligations as a member of the International Labour Organization (ILO) and to promote human rights on a global level, to follow specific recommendations that have been made by human rights organizations, and to add its voice to the growing international consensus that promoting labour standards in other countries is justified in both a social and economic sense.

The International Trade Union Confederation's sentiments also align with those of ALHRs and most contributors to the inquiry. They said:

This bill creates a legal framework for such conditionality and it aims at achieving a more inclusive trade where all those involved in the production and distribution of goods and services capture a fair share of trade's gains. Australia will not be the first country to make the inclusion of conditionality obligatory for trade agreements. The two parties of the US Congress concluded an agreement in May 2007 that enforceable conditions on labour and environment are to be part of all trade agreements negotiated by the US.

In summary, the Fair Trade (Workers' Rights) Bill 2013 has three strong pillars which make it a reputable piece of legislation. These are outlined in Slavery Link's submission:

1. The bill would assist Australia to meet its obligations to implement international agreements to which Australia is a signatory.
2. The bill would encourage Australia's trading partners to provide their workers with access to minimum standards regarding workers' rights.
3. The bill would support standards in Australia, to the benefit of Australian workers and business.

It is for these reasons that I believe that, when given the opportunity, the Senate should vote in favour of this piece of legislation.

Question agreed to.
Foreign Affairs, Defence and Trade Legislation Committee

Report


Ordered that the report be printed.

BILLS

Clean Energy Legislation (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Carbon Tax Repeal) Bill 2013
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (General) (Carbon Tax Repeal) Bill 2013
True-up Shortfall Levy (Excise) (Carbon Tax Repeal) Bill 2013
Customs Tariff Amendment (Carbon Tax Repeal) Bill 2013
Excise Tariff Amendment (Carbon Tax Repeal) Bill 2013
Clean Energy (Income Tax Rates and Other Amendments) Bill 2013

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

to which the following amendment was moved:

At the end of the motion, add:

but the Senate:

(a) rejects this bill and the related bills;
(b) recognises that:

(i) the world is on track for 4 degrees of warming; and
(ii) warming of less than 1 degree is already intensifying extreme weather events in Australia and around the world with enormous costs to life and property;
(c) calls on the government to:

(i) protect the Australian people and environment from climate change by approving no new coal mines or extensions of existing mines, or new coal export terminals; and
(ii) adopt a trajectory of 40-60% below 2000 levels by 2030 and net carbon zero by 2050 emissions reduction target in global negotiations for a 2015 treaty.

Senator BOSWELL (Queensland) (17:38): Earlier today, I was about two minutes into my speech when it was interrupted for question time. As I was saying, the Clean Energy
Legislation (Carbon Tax Repeal) Bill has been blocked, there has been filibustering, the debate has been going on for three weeks, and every man and woman in the Labor Party has dutifully come forward and presented a speech. I do not think some of them even knew what they were saying. As I said earlier, it might as well have been in Swahili, because I do not believe the people in the Labor Party actually know what they are talking about. I do accept that the Greens know what they are talking about. It is their thing; this is what they specialise in. I do not agree with them. In fact, I am violently opposed to them—

Senator Wright: Not violently, I hope!

Senator BOSWELL: Well, not violently, where I am not going to walk over there and hit Senator Peter Whish-Wilson! Of course I am not. But I am violently opposed to what a carbon tax does. With the Greens, I could almost quote the Bible: 'Forgive them, Father, for they know not what they do.' Because what they are doing is not putting jobs at risk but burning jobs. They are burning jobs. Job after job after job is going.

Because I ran a business for 20 years and I know the costs and I know how slim the margins are, when the carbon tax was first presented I thought, 'Hang on. This doesn't ring true to me; there's something wrong with this. This is going to cause problems.' So, on 26 August 2008, I asked the first question about the carbon tax and then I made the first speech on it. I belled the cat and I am very pleased that I did. The proposition was ridiculous—that we would reduce our carbon emissions to five per cent of 2000 levels by 2020. So, to quote my former Senate colleague Barnaby Joyce, from a room in this parliament we are going to control the temperature of the world. Now, we have 1.3 per cent or 1.4 per cent, depending on whose figures you use, of the world's carbon emissions. It does not matter what we do; we are going to make very little difference to it.

But look at what has happened—and I am not saying it is totally due to the carbon tax but it has certainly played a very, very significant role; and I know you, Mr Acting Deputy President Sterle, are very concerned about this because you have always represented the blue-collar worker. These are indisputable figures. The carbon tax and the RET have turned our manufacturing sector into a killing field. Under Labor's five years of government, over 140,000 manufacturing jobs were lost. So did we reduce our carbon emissions? No. We sent our manufacturing across to China, across to India, across to Indonesia, where they do not have the clean-air controls that our factories have. We have exported our carbon emissions. We have made other countries take on the role of our manufacturers.

When the leader of the Labor Party in the eighties said, 'We're going to get rid of tariffs,' I thought, 'This is big, brave stuff,' and because I worked in manufacturing—I was a manufacturer's agent—I knew a bit about it, and my thoughts went out to the blue-collar workers who do not have great experience, who grab a bucket from the way and put it in a hot dip and pull it out the other side. There were 300 of these people in one factory I represented for Queensland and probably 250 in the other. One was a paintbrush factory; the other was in metal. I thought to myself, 'How are these people going to get jobs?' I really had doubts. I must admit I was a doubting Thomas about it. And then the mining industry came along and everyone got a job. People got jobs in other areas. I have to admit that the Labor Party at that time were right. They removed tariffs. They created a better standard of living. Instead of going and buying a pair of shoes for $300, you could go and buy a pair of shoes for $80 and you had another $200-odd to spend down at the shops. It created employment and it created
activity. That works. That works, as long as you can employ people. What we had was very low-cost energy, high-cost labour and good conditions.

In manufacturing, there are three things: the cost of labour, the cost of energy and the cost of raw materials. The cost of raw materials is set by a world price and you cannot shift it very much either way. The cost of energy and the cost of labour are set by the government. Paul Howes today—and I commend this to anyone in the Labor Party—is virtually saying the same thing as Maurice Newman, the Prime Minister's adviser; David Goodwin, from the Chamber of Commerce and Industry; and Brendan Pearson, from the Minerals Council: 'Have cheap energy, reasonable conditions and good wages, but don't trade away what you have got as cheap energy.' That is what has happened with this carbon tax. You do not have to be Robinson Crusoe. You do not have to be Einstein. It is happening before your eyes. But somehow the Labor Party do not seem to be able to see it. Paul Howes, David Goodwin, Brendan Pearson and the National Farmers' Federation are all singing off the one hymn sheet: 'Give us reliable, cheap energy and we can have decent conditions, pay a little bit more.' As Paul Howes rightly points out, we are a wealthy country and we are never going to be able to mix it with the cheaper, Bangladesh-type workers, and we do not want to.

What is happening is that renewable energy and the carbon tax are just destroying our industries. I do not want to claim that the carbon tax is doing it solely. The high dollar does represent problems, and unfortunately it is coming back as a problem. But just look at what has happened in the last six months: McCain's processing plant in Penola, South Australia, 59 employees sacked; Simplot, 110 jobs going over to New Zealand. They do not have a carbon tax over there. Well, they do, but it is about the equivalent of a Mars bar, about $1, a tonne. It is all going over there. Simplot is downsizing its Bathurst plant operation, and 110 jobs have gone to New Zealand. Golden Circle have gone to New Zealand. I have got a special interest in Golden Circle because it was my father-in-law who, with a number of other farmers, established the cooperative of Golden Circle. My wife says that she can remember the days when she was eight or nine and her big day was going down to Golden Circle for dinner in the boardroom. At Downer EDI, 100 employees have gone. At Electrolux, 500 jobs have gone. Caterpillar announced that 200 jobs in Burnie have gone to Thailand. Kellogg's announced that 100 jobs have gone from the New South Wales Central Coast.

Then we get to the big ones: Holden, 2,900 jobs; Toyota, 3,000 jobs; and Ford, probably the same. But why? On every Ford, every Toyota, every Holden, there is a $400 carbon tax. That is at the factory level. Then you put your margin onto the selling agents and it increases. Then on top of the $400 you have got a $200 renewable energy tax. That is a huge handicap for those people in the manufacturing industry to overcome. In fact, they cannot overcome it. So what have they done? They have gone. With our carbon tax and our renewable energy tax, household electricity prices have increased by 110 per cent in the past five years. Australian business, which accounts for 70 per cent of the total electricity use in Australia, has experienced almost an 80 per cent increase in prices since 2009. The causes are not hard to find. The carbon tax accounted for 16 per cent of the electricity bill for a typical large industrial user in New South Wales. The carbon tax added $6.4 billion to the nation's tax bill. We can say, 'Everyone else is doing it.' Well, I am sorry; no-one else is doing it. We have the dearest carbon tax in the world, and it is going to go up. We are out there showing the way.

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CHAMBER
We are out there like Sister Anna carrying the banner, with someone else behind beating a drum. But no-one is following our stupidity.

You can argue that the science says this and the science says that. I will tell you, for every scientist that says the world is being overwhelmed by CO$_2$ and temperatures are rising, you can find another 10 scientists that say that it is not.

**Senator Stephens:** You can't!

**Senator BOSWELL:** I am not going to get into that dispute.

**Senator McLucas:** That is not true!

**Senator BOSWELL:** I am not going to get into that dispute because I do not think it matters one iota. What matters is this: if you are going to have a carbon tax, then you had better make sure India, China, Indonesia, Bangladesh and all those other countries go along with you, because, if they do not, it is no more than a simple gesture. I do not want to get into the science. You do not have to get there but, if you want to convince me that a carbon tax will work, firstly, go and tell the people in Indonesia: 'I know you're only on a couple of rupiahs a day, but I know you'll carry the load, because it's good for the earth. We'll put a tax on your heating and we'll put a tax on your lighting.' They will say, 'But we don't have any lighting. Yes, we do have heating. We're very lucky; we have a kerosene heater.' 'Oh well, we'll tax that.' There would be a riot, and so there should be.

If you go to China, what are they doing? We are told that they have got renewable energy. Yes, they have got a bit of renewable energy. Let us see what China have got in the way of renewable energy. Their renewable energy is about six per cent. Solar accounts for 0.2 per cent and wind is about six per cent. Mr Acting Deputy President Sterle, I know you are interested in this, because I have always found you a person to be interested in the working class, the working person. Every two weeks, China is putting in a new one-gigawatt power station.

In Australia our total transmission through energy is 50 gigawatts. The energy that is driven out of Australia is 50 gigawatts. China are putting in one gigawatt every two weeks. China have a total capacity of 557,938 megawatts. India has a total capacity of 519,396 megawatts. Of course the brave Greens would say, 'I know it's rough in India, but you have to pull your weight and do a bit of sacrificing.' The people of India say: 'We live in a cardboard carton. What more can we sacrifice? Our kids cannot go to school. Do you want us to sacrifice more? What have we got to sacrifice?' The Greens, never short of an answer, would say: 'The wealthy countries like Australia and America can pay.' That is what the Copenhagen agreement started out to say.

I have never seen things so bad in Australia. On Sunday a friend of mine put a job ad on the website for an accounts clerk. By Sunday afternoon he had 100 people applying for the job and yesterday there were 200 people. He employed a solicitor to do a clerk's job and she was so grateful. It is a killing field out there. We do not realise that in here, because we are well paid and our kids are well looked after. But out there it is a battle. I am frightened for my grandchildren. We cannot afford to do this. We have got to pass this legislation.

While you are procrastinating, jobs are going and companies are closing. Holden is withdrawing. Then you have $100 million for the airline and $27 million for Virgin. Out of
$250 million, $100 million is not going to rock the financial boat, but $100 million is a lot of jobs. You can employ a lot of people for $100 million.

The Labor Party are trying to defend 33 per cent of the votes. Thirty-three per cent is never going to get them into government. They have to sell their wares to the tradies, the people who work in factories and the people who have not got jobs. They are not doing it and they are going to be over there for the next 100 years if they do not break away from the Greens and defend their old position for the traditional blue-collar workers. If they do that, they will be some competition. If they do not, they are going to be over that side for the next 20 years.

Senator STEPHENS (New South Wales) (17:56): I too rise to make a contribution to this debate on the carbon tax bills. I listened with interest to Senator Boswell, but I fear that the facts might have gotten in the way of a good story. We need to acknowledge that the climate change challenge, particularly the need to lower CO$_2$ intensity and thus improve energy efficiency across the economy, is actually closely related to the need to increase productivity-improving investment. That is why Labor see climate change as an opportunity rather than a barrier to a stronger economy. That is why we pursued the clean energy policy that would spur investment in research and development and promote innovation and the use of new technologies and do that at a negligible cost to the economy.

We have always believed, despite the government's denials, that climate change is fundamentally an externality problem, where the costs of the activity are not fully represented in the institution or the market where the decisions are being made about the activity and that then leads to excessive social costs and what the economists would call a suboptimal welfare outcome. We also believe, despite the government's denials, that climate change is fundamentally a global problem and, as with any international problem, coordination issues are the key. We further believe that climate change is a problem whose solution implies costs for certain powerful vested interests in the economy, and we know whose interests are being protected with the repeal of the carbon tax. Finally, Labor believe that climate change is a problem on timescales that are larger than the human life span. So climate change is a long-term, intergenerational problem with the complicating issues that such problems entail.

Professor Ross Garnaut called it a diabolical public policy problem. Others in the field of public policy describe these problems as wicked. That is not to suggest, as many on the other side would, that climate change is a problem that is not solvable. In fact, the most challenging aspects of the problem are practical not conceptual, in particular the need to create a coordinated international approach. Conceptually we certainly understand the externality problems well. We understand the specific nature of climate change externality and we understand the mechanisms needed to overcome the intergenerational aspects of the problem. From a domestic point of view, if the will to address the problem were shared by both sides of politics, it would actually cease to be a policy problem for government at all and would instead become a practical engineering and scientific problem for industry and academia. The challenge would become purely one of invention and investment, and its solution would benefit the economy and our long-term competitiveness and prosperity.

Climate change is not the result of true disagreement about the best solutions that governments and countries might argue as the best policy approach. It is actually the effort to delay or avoid the implementation of real solutions that causes this dilemma. These efforts are born either of a denial of the problem in the first place, which we hear constantly from the
government, or of a misrepresentation of the scientific uncertainty in order to delay the implementation of solutions and to delay harm to vested interests. We have heard that argument consistently from the government as well. Both of those explanations apply to the government's position and its action on repealing these bills.

Labor accepts the science of climate change and we believe that we need to do something about it. Mr Abbott and the coalition do not. This bill removes the legal cap on pollution and allows the big polluters carte blanche to pollute, courtesy of the pollution fund being set up by the government. The bill is nonsensical in every way, just as the Direct Action Plan is nonsensical. Experts agree that this will cost households more, while failing to cut pollution.

Several economists, in submissions to the Senate Environment and Communications Legislation Committee's inquiry into the government's Direct Action Plan, have highlighted that any real solution needs to include several features. A broad based carbon price is the first. It will: incentivise investment in deployment of and research in low-carbon technologies; incentivise abatement across the whole economy, which will allow private actors to make low-cost abatement decisions; raise revenue in an economically inefficient manner—taxing a good which produces a negative societal externality is one of the few methods available of raising revenue that does not produce the usual economic dead-weight cost on the economy—and ensure that an equitable approach to climate change is taken. Revenue raised will need to be used to support low-carbon investment, trade exposed industries and low-income earners. It needs to be able to be linked to global carbon markets and thus become part of a global solution to climate change. It needs to be permanent in order to provide policy and investment certainty with long-term carbon allocations decided on the basis of fair Australian effort and scientific advice. Labor's clean energy future legislation satisfied all of these features, and the fact is that the Abbott government does not have an alternative that meets the same standards.

Mr David Rossiter, who appeared before the environment committee's inquiry, reminded the committee that there is very little new thinking in the government's alternative. He said in his submission:

The DAP is very similar to the Greenhouse Gas Abatement Plan (GGAP) introduced by the Howard Government in 1999 as that plan also called for a reverse auction process for abatement action funding. It failed to deliver over a ten year period and was originally intended to be a four year programme. Ultimately despite the increase in implementation period only 36% of the funds were expended and the amount of abatement achieved was considerably less than was expected at tender and at a greater cost per tonne of abatement. It effectively delivered under 15% of its target in its original programme term.

He went on to say:

It would therefore be expected that DAP will suffer from similar problems, that is, it will have a considerably extended implementation period, an inability to disburse funds quickly and have increased abatement costs over those tendered for any abatement it does encourage. The current national target for abatement is a 5% reduction in emissions by 2020. It is unlikely that DAP will be able to achieve the quantum of abatement required by this target within the requisite timeframe. History shows us GGAP was regarded by the Howard Government as a failed experiment as they then adopted an emission trading scheme as their preferred mechanism to address climate change. So here we have another revisionist policy and the government playing back to the future with everybody's future.
Last year, the OECD released a report confirming that countries could achieve higher levels of emissions reduction at much lower cost if they relied on emissions trading schemes. Emissions trading schemes are already being adopted in many countries around the world, including in the UK, France, Germany, South Korea, Canada and parts of the US and China. The GLOBE Climate Legislation Study, which covers 66 countries across the globe, found that Australia is the only country to be taking negative legislative action in climate policy. The study covers major nations including the US, China, India, Brazil and more.

The government senators' contributions to this debate have been superficial and unconvincing, simply because Mr Abbott and the coalition have not been able to come up with one credible scientist or economist willing to stand up and back their climate change policy. As we heard on Friday at the inquiry hearing, the Direct Action Plan requires setting baselines for a diverse set of projects over a wide variety of sectors. This is a very difficult and highly specialised task that should not be underestimated. It is highly site and geographic location specific. It is extremely resource intensive and it often exposes a lack of firm data from which baselines can be set.

The government claims that the Direct Action Plan will be simple, straightforward and streamlined to make it 'easy for businesses to participate'. But the reality is that the baseline system proposed is extremely complicated, detailed and data intensive if it is to be credible and accountable, as it will have to be, because the grants system proposed for allocating public money will require that. History also tells us that the system will inherently take a lot of time to reach decisions because of the baseline process. Consequently, the time frame for abatement will be reduced from the maximum of five years and costs per tonne will inevitably rise further. We are not that far away from 2020. About 60 actions are identified. This means that perhaps 600 or more baselines might be called for in the bidding process, with each being proposed and having to be independently verified. That alone is an extraordinarily enormous task. But, in addition, by the voluntary nature of participation in the measure, not all of the actions shown will be able to be bid for under Direct Action Plan. There may be too short a period for a return to be made or the risks associated with reliability of any innovation being proposed and other more costly actions will have to be invoked to achieve the abatement required to meet the full quantum of the target.

This issue was also revealed in the Howard government program and consequently any abatement cost curve produced in this form will represent a lower bound on cost and an upper bound on abatement quantity. In other words, the abatement costs will be higher and the total abatement quantity will be less than expected. Under emissions trading schemes, such cost abatement curves represent an upper bound on cost and lower bound on abatement quantity. In other words, there are more abatement options identified, costs are less and total abatement quantity can be higher. That reversal is because the incentive to reduce costs under emissions trading lies with the polluter and more options for abatement will be revealed as development and further innovation occurs. History shows us more abatement options have been revealed in many similar existing market-based mechanisms, such as the US sulfur dioxide reduction scheme.

Examples of the operation of the Direct Action Plan quoted by the government are very misleading. Several government senators have referred to the transport sector and have diligently quoted the Emissions Reduction Fund green paper, for example:
… fleet operators could be rewarded for reducing emissions per tonne of freight per kilometre.

That is an example that has been widely and publicly referenced back to a major transport company by the government purporting to show how the Direct Action Plan will work. While the emissions intensity of that company may have dropped, National Greenhouse and Energy Reporting Scheme data published by the government for the company show that its total emissions have risen by 11 per cent, not fallen at all. The world's atmosphere is not concerned about emissions intensity—and Australia's international target commitments are not framed in such terms. Total emissions are the only issue at stake. The Direct Action Plan is structured counter-intuitively—the taxpayer pays the polluter and the polluter may or may not reduce their emissions. We have no idea how the government intends to encourage compliance with abatement proposals.

Climate change, as we all know, is set to have a major impact on Australia's economy and the environment and these impacts increase significantly with larger increases in temperature. Many senators have made that point in their contributions. We say we know climate change is well understood. Climate change is already occurring, and the independent modelling that has been undertaken has proven that the government's alternative climate change policies will cost billions of dollars more than Mr Abbott claims and will have no chance of meeting Australia's emissions reduction target. The government policy will simply be nothing more than an environmental fig leaf to cover a determination to do nothing meaningful or systemic to address climate change.

We need to be very clear about the government's alternative plan. Achieving the emissions reduction required to deliver its commitment to the five per cent target would require an additional expenditure of more than $4 billion to 2020. What do we have? We have the coalition's approach to carbon pollution, which is to create this $2.9 billion fund to pay Australian companies to reduce pollution. Where Labor's focus is to cap the amount of pollution that can enter the atmosphere and to have a system for business to find the cheapest way to reduce their pollution, the government will use taxpayers' money to pay big polluters. What will the outcome be? Independent research and modelling, undertaken by SKM-MMA and Monash University's Centre of Policy Studies, shows that the Emissions Reduction Fund will see pollution increase by 8 to 10 per cent above 2000 levels by 2020; reduce pollution by nearly one-third less than Labor's policy; require significant additional investment of between $4 billion and $15 billion to achieve the 2020 target; see costs and pollution both increase over time and even with spending increasing to around $88 billion from 2014 to 2050 pollution would still be increased by about 45 per cent over this period; and subsidise the pollution of businesses who do not make the changes, with these public subsidies calculated at about $50 billion to 2020.

The government is actually relentlessly pursuing an ideological agenda—part of its three-word campaign slogan from the last election. This is despite the fact that they are now in government and have access to all the data that informed the Labor government policies. Labor provided unprecedented support for renewable energy through the Renewable Energy Target, the Clean Energy Finance Corporation and the Australian Renewable Energy Agency. The government is intent on abolishing these. Labor provided support for business to become more efficient and productive, including the Clean Technology Program and the Jobs and Competitiveness Program. The government is intent on abolishing these. Labor also provided
support to reduce land sector emissions through the Carbon Farming Initiative. It is interesting that the government is set to replace this with the Green Army of underpaid, undertrained young workers and a tree planting target that is simply unachievable.

Labor has contributed an extraordinary legacy: our wind capacity has trebled; more than a million households have solar panels installed; employment in the renewable energy industry has more than doubled to over 24,000 people; and during the first year of the carbon price around 150,000 jobs have been created while the economy continued to grow at 2.5 per cent and inflation remained low, pollution in the national electricity market decreased by seven per cent and, again, renewable power energy generated as a share of the national electricity market increased by 25 per cent.

In the area of agriculture, since 2011 farmers and landholders have been able to create offset credits under the Carbon Farming Initiative. Under that CFI, farmers are able to earn credits by reducing carbon pollution and then sell those credits to the 370 large business that are covered under the emissions trading scheme. That CFI means that farmers are able to do their bit in helping Australia to meet its international target while at the same time earning income by reducing carbon pollution. The government intends to decimate clean energy investment in Australia and their legislation to abolish the Clean Energy Finance Corporation has shown their complete antagonism to the sector. As the committee heard in the hearing last week, agriculture barely gets a mention in the government's green paper—something we certainly have not heard from any Nationals senators.

We want to tackle climate change in the most effective way possible. We put in place a very effective scheme. It was delivering on the long-term outcomes that Australia needed to deliver; it was providing best-practice guidelines for industry and innovation; and all the experts tell us that an ETS puts a legal cap on carbon pollution and lets business work out the best, cheapest and most effective way to operate within that. That is what this government is seeking to unravel, and it will be to the nation's peril.

Senator CAROL BROWN (Tasmania) (18:15): I rise also to speak on the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013. I would first like to commend opposition senators on their fine contributions to this bill—well thought out arguments against these pieces of legislation. It is simply not good enough to stick our heads in the sand and leave the next generation to tackle the issue of climate change. Climate change is real, and the Labor Party supports real, meaningful, effective action on climate change. As I have said in previous contributions on climate change, something must be done; we cannot sit back and do nothing.

Our parliament, as leaders of our country, must send a clear message on this issue, which is so important to our children and future generations.

The most cost-effective way to deal with carbon pollution is an emissions trading scheme. An emissions trading scheme—a market based mechanism with a legal cap on carbon pollution—is the cheapest and the most effective way to reduce emissions, while encouraging business. Labor accepts both the science of climate change and the fact that Australia cannot afford to leave the challenge of climate change to future generations. Mr Abbott and his environment minister, Mr Hunt, and the coalition do not. No credible expert argues that the coalition's direct action policies will work. The government do not even want to put a cap on how much pollution is allowed in Australia. It shows that they do not have the political will or the nous to actually effect meaningful change to reduce emissions. Big polluters, who put out
high levels of carbon emissions, should not be subsidised by the taxpayer. Treasury has estimated the cost of Direct Action at $10 billion a year; that is, money paid as taxes by ordinary Australians then siphoned off into the pockets of big polluters.

I ask you: how can that sit well with anyone? It is certainly not sitting well with the Australian people. A Fairfax-Nielsen poll at the end of last year showed just 12 per cent of Australians supported Direct Action. Don't hold your breath, Mr Acting Deputy President, if you expect Mr Abbott to take any notice! This is a government that did not even bother sending any ministerial representation to the United Nations Climate Change Conference in Warsaw, a government that was not represented by a minister at this significant worldwide conference. It is a government that barely pays lip-service to one of the greatest challenges our planet faces this century.

Emissions trading schemes are already in place in the UK, throughout Europe, Korea and parts of Canada and the United States. Almost every credible economist or expert says Direct Action will not work. Direct Action is not sustainable due to the cost. Most direct action plans cannot be scaled up, and those that can prove too expensive. So why do the Prime Minister and the Treasurer set about slashing services to schools, hospitals, roads, community grants and whatever else they can get their hands on? Mr Hockey and Mr Abbott are bracing themselves for huge bills into the future so that they can pay the biggest polluters.

It is as laughable as it is tragic. The local school goes without much-needed money, but the government pays highly profitable multinationals that money instead. Carbon pollution, which causes climate change, is a problem, both environmental and economic, a problem that we must tackle. But, as we have heard in public reports and in the media, Mr Maurice Newman—one of the Prime Minister's most trusted advisers and known climate change sceptic—thinks money spent on science and cutting carbon pollution is wasted. When Mr Newman speaks, it appears that Mr Abbott not only listens, but he acts. It is deeply alarming to have someone so influential holding views on climate change that are so at odds with the Australian people, let alone with the mounting scientific evidence. It is really little surprise that with advice like this, the coalition offers such an ineffective and ill-conceived policy.

We know that climate change is real and something must be done—meaningful action must be taken. It is simple, basic logic. It is logic that we must listen to in the interests of our children, their children and for all future generations of Australians and all countries around the world. The UK, Europe, Korea and parts of North America are already using emissions trading schemes. In our region, China has also started pilot ETS schemes and, as reported in The Age on 2 December last year, Guandong, China's largest province with a population of more than 100 million has capped greenhouse gas emissions. It began to issue carbon permits to big polluters from last December. This was after China introduced emission trading schemes in Beijing and Shanghai in late November 2013. In terms of size, Guandong's carbon markets will be second only to Europe's trading scheme.

Australia must live in the real world and stay the course towards an ETS. Labor will continue to listen to the best available science and it does beggar belief that any political party would not. Yet we have those opposite shouting down the experts and sticking their fingers in their ears and, in fact, trying to put legislation into the parliament to repeal some of that expert advice.
Those who do not have their fingers in their ears should be crossing them. History will not be kind to this government. It will be a government that will look foolish for ignoring the science. It will be the government that ignored the biggest problem of this century because it lacked the courage to tackle the real issue. The climate change deniers will look as foolish as those who once argued that cigarettes do not cause lung cancer. But Mr Abbott is a denier and wants to tear down the progress made by the previous government. If Mr Abbott wants to scrap the so-called carbon tax, it must be replaced with something that works. It is accepted that an emissions trading scheme will work by putting a cap on carbon, but there is uncertainty about what the Liberal Party's policy will do. When pushed, the Prime Minister, Mr Abbott, could not explain it in parliament and Mr Hunt has been unable to explain how it will actually work.

Carbon pollution changes our weather and harms our environment. That is the best available science. The experts all agree. All reputable scientists say that it is a fact: the climate is changing and humans are accelerating that change. That is why governments around the world are taking action, including the previous Labor government. But this government, under Prime Minister Tony Abbott, has effectively put taking meaningful steps into the too-hard basket. Instead, we have a toxic policy from a government out of step with society both in this country and on a global scale.

Labor argues that we should tackle the problem and that Australia should back itself to compete with the rest of the world by still acting responsibly for future generations. Those future generations should be proud to look back at this period of history and see that Australia made a difference. Instead, they will read about an isolationist Australian government that shrugged its shoulders, paid a bit of lip-service, tore up policy that was making meaningful change and established a slush fund of billions of taxpayers' dollars to hand to polluters. What sort of legacy is that? Rather than feeling pride, they will be ashamed that a coalition government tore down the progress that was already made, put in laws that nobody wanted, caused economic and environmental upheaval and gave up on tackling such a huge issue.

The coalition wants to replace the laws with this poorly-thought-out replacement, Direct Action, that nobody with any economic or environmental credibility thinks will work. As I have indicated, they want to replace that with a scheme that will cost taxpayers an estimated $10 billion a year. No less an authority than Alan Kohler sums it up:

Tony Abbott will have to either drop the promise to cut emissions by five per cent or the promise to repeal the carbon tax - both together will be impossible without massive Government spending under the proposed "direct action" policy of paying companies to reduce emissions. I ask the Senate: which of those two options—repealing the carbon tax or reducing emissions by five per cent—should we expect Mr Abbott to choose? With advisers such as Mr Maurice Newman in Mr Abbott's ear, it is safe to say that he would prefer to ditch the price on carbon and damn the consequences if we do not need the absolute minimum emissions target reduction.

Mr Kohler also says:

The liquefied natural gas (LNG) export boom will make it virtually impossible for Australia to meet the Government's carbon emissions reduction target. So according to one of our most respected economic voices in Australia, under Direct Action there is no chance of meeting the minimum target. Mr Kohler says that not trying to reduce
carbon emissions at all would put Australia at odds with the rest of the world, including China and the US, and endanger trade agreements. But as Mr Kohler writes:

… the Prime Minister and Treasurer Joe Hockey will be, or at least should be, desperately hoping that the Senate never allows the repeal of the emission trading scheme legislation, so it's not exactly a broken promise—at least they tried.

At least they tried! Already, the coalition—Mr Hockey, Mr Abbott and senators in this place—might just wash their hands of the issue altogether.

The coalition has given up—it is too hard! They have put in place Direct Action as an alleged alternative policy, but it will not achieve anything meaningful. This is a government without a map to navigate the country into the future. It is a government refusing to live in the real world. It is a government refusing to listen to the experts. It is a government claiming that it knows best but with no actual idea of what it will do when the hard questions are asked of Direct Action.

Businesses with foresight are already leading the charge, using clean, green technologies of the future to secure the long-term future of their businesses. Governments that claim to have foresight would be wise to follow their lead. We cannot afford to be left behind. Treasury said in its Blue Book, prepared prior to the 2010 election:

A market based mechanism can achieve the necessary abatement at a cost per tonne of emissions far lower than any other alternative direct-action policies.

That advice on Direct Action from Treasury hardly sits on its own.

The poorly-thought-out Direct Action policy is also at odds with industry. In a submission to the government the Australian Industry Group said:

… there is a risk that the Emissions Reduction Fund does not deliver the abatement outcomes sought. As currently understood there is no equivalent to an emissions cap or other legal guarantee that the targets will be met.

The AiG, which speaks on behalf of about 60,000 businesses, wants the government to adopt a market mechanism—an ETS. He AiG says it is the cheapest and most effective way to drive down carbon pollution. This is a 60,000-strong industry group urging the government to put in place a market mechanism, not its Direct Action Plan. This respected industry group says that 'bureaucratic or political decision making are usually poor substitutes for the judgements of market actors responding to price in light of their own circumstances'. And, along with Mr Kohler, the AiG also raised fears over the consequences of not matching the emissions reduction targets of other major economies around the world.

The AiG says that consistent global action is fundamental to preserving Australian competitiveness. Economists and climate scientists across the world all agree that an emissions trading scheme—a market-based mechanism with a legal cap on carbon pollution—is the cheapest and most effective way to reduce pollution and provide certainty for business, again, as we have seen with the AiG, representing over 60,000 Australian businesses, telling the government not to push forward with Direct Action. So I ask: is this the government they voted for—one that would not listen and jeopardise economic growth? In 2011, accounting and audit expert Ernst & Young said that Direct Action has key problems that could 'hinder Australia's participation in a deeper and globally consistent response to
clime change’—yet more evidence that Direct Action will leave Australia at odds with other economic powers.

In June 2012 the global chief executive of Shell, Mr Peter Voser, told 7.30 that the company already includes carbon pricing in investments and that his company took a longer term view than the next two or three quarters.

This longer term certainty is not provided by Direct Action. To quote Mr Voser:

… Shell as a company is actually very much advocating that we need a price for carbon on a worldwide basis and we want that to be on a market mechanism.

This is the head of a massive multinational company calling for a price on carbon through a market mechanism—an ETS. The list goes on. The former Treasurer, Mr Peter Costello, called on the coalition to scrap its Direct Action Plan. He said:

The easiest cut you'll make is the stuff you never go into.

And then in August of last year a leading researcher on emissions markets released detailed modelling on Direct Action and found that Direct Action would leave emissions 16 per cent above 2000 levels, would require an extra $35 billion to meet the target, cannot meet higher targets and needs to pay polluters $58 per tonne by 2020.

But, as we have heard, Mr Abbott and Mr Hunt are not listening to these respected voices. Mr Abbott is not listening to the Australian people. The recent Nielsen-Fairfax poll released on November 25 showed that only 12 per cent of people polled supported Mr Abbott's direct action policy. That says loud and clear that the voters of Australia—the hardworking taxpayers of Australia—do not want their tax dollars being shelled out by this coalition towards those who need it least: big polluters. Just 12 per cent of Australians, according to the poll, are backing Mr Abbott. This is not the government they told Australian businesses and families they would be. Australia should be setting a standard on the global scale and working with the major economies of the globe.

Mr Abbott should show leadership. This 44th Parliament will be judged by the history books on this issue as much as on any other. Labor is comfortable with our position: climate change is real, and we must not stall on acting on it. Labor supports an emissions trading scheme. We do not support Direct Action. Australians agree that there is something happening to our climate. They want action. They want meaningful action. That is what the ETS delivers. It is better for the economy. It is better for the environment. Our summers are getting hotter. Our weather is changing. That changing weather affects our economy. It affects our river systems, our reefs, our farms, our cities. It affects the entire country. We must take a stand. We cannot leave it for the next generation, the next parliament. We have to act and act now. The experts have spoken, and we must listen to them. To do nothing is unforgivable.

Labor introduced an emissions trading scheme that is working. It was cutting dirty power generation and increasing clean energy generation. Are Mr Abbott, Mr Hunt, Mr Hockey and their colleagues comfortable about facing up to future generations with their feeble excuses for having done so little at best, and having caused harm at worst, to limit emissions and protect our environment? Instead, Mr Abbott wants to plough ahead with Direct Action.

Senator XENOPHON (South Australia) (18:35): I indicate my support for the Clean Energy Legislation (Carbon Tax Repeal) Bill 2013 and related bills and I want to outline the reasons. As I previously said, I believe we need to take meaningful and appropriate action to
address the issue from both an environmental and an economic point of view. In respect of climate change, the cost of not doing so in the next few years, effectively, will be much greater for generations to come. The debates around how to deal with the need to both reduce emissions and support our economy have been long and vexed. I am concerned that even now we do not have a detailed policy in place to achieve the goals we must meet. Back in 2009, then opposition leader Malcolm Turnbull and I jointly commissioned Frontier Economics to model and formulate an alternative, intensity based emissions trading scheme. The Frontier scheme could have delivered deeper cuts to emissions at a lower cost than the CPRS and the carbon tax, because it avoided the enormous economic cost associated with the revenue churn of the former government's scheme.

Frontier's modelling estimated that for every dollar invested in abatement there is a churn of $5 to $6 through the economy. An intensity based scheme, by contrast, sets emissions targets for industries, particularly the stationary energy sector, and avoids that level of churn and with it distortions and loss of economic activity. It also avoids unnecessary distortions in energy pricing in the way the merit order works with respect to that—and that is also important for economic growth and getting the balance right to find the most efficient way to reduce emissions.

Frontier Economics also calculated that it would be relatively simple to amend the CPRS legislation at the time to make it one-third cheaper and twice as effective by introducing intensity based elements. I moved a number of amendments to that effect, rejected by both the then government and the then opposition.

The warnings given at the time by Frontier of the potential for a budget black hole in the former government's approach were dismissed by the then government—Senator Wong, I think, called it 'a mongrel of a scheme'. Well, for a mongrel, it had a lot of bite! Frontier warned the Rudd government back in 2009 of the budgetary black hole created by the decline in revenues from permit sales. The government ignored this and the black hole turned out to be about $5 billion a year. They also warned that one group that would see the upside of the abolition of the price floor announced in September 2012 would be the private brown coal generators in Victoria and South Australia.

Danny Price, the Managing Director of Frontier Economics, made the point back then that the former government handed the generators billions of dollars of cash compensation and permits in the high-fixed-price period, based on the Treasury modelling of carbon prices across many years, not just the fixed-price period. These figures were unrealistically high. Ironically, as Danny Price pointed out in an opinion piece in The Australian in September 2012:

Of course, one group that will see only upside from the abolition of the price floor is the private brown coal generators in Victoria and South Australia. The government handed them billions of dollars of cash compensation and permits in the high fixed-price period, based on the Treasury modelling of carbon prices across many years, not just the fixed price period, that now look unrealistically high. Ironically, this makes the dirty brown coal generators more valuable than if the government had never priced carbon and compensated for it.

Danny Price went on to say:

It also makes the dirty brown coal generators relatively more valuable than the cleaner, government-owned black coal power generators in NSW and Queensland that have not been compensated.
Something Treasury has also ignored over the past few years in the context of carbon policy, which must be tackled now, is a tax interaction effect associated with different mechanisms for reducing emissions. This tax interaction effect should not be ignored from a public policy point of view—or from a sheer economics point of view. It actually matters.

Frontier’s proposed amendments to the CPRS would have substantially reduced the economic distortions that the proposed CPRS, or the current carbon tax, would create, as a direct result of savings due to a reduction in inefficiencies of the tax interaction effect of current policies. As Frontier put it:

… pre-existing taxes already create economic distortions that discourage investment, consumption and labour. When a carbon price/tax is imposed in addition to these existing taxes, the resulting economic costs are multiplicative, not additive.

That means that the revenue churn of the CPRS and the carbon tax has a disproportionate drag on the economy, as well as leading to much higher abatement costs.

I am also acutely aware that the Gillard government had, in effect, a reverse mandate when it came to the carbon tax, in the sense that the former Prime Minister promised not to introduce a price on carbon on the eve of the 2010 election. That, combined with the flawed design of that scheme and the associated budget black hole, made it impossible for me to support the former government’s carbon tax and emissions trading scheme. But, in the context of this vote to repeal the carbon tax, there ought to be, at the very least, a very firm personal commitment from the Prime Minister to establish an alternative scheme which at minimum will achieve the bipartisan goal of a five per cent reduction in emissions on 2000 levels by 2020.

That leads to the next question of how to best replace the carbon tax with a credible alternative scheme for emissions reductions. I have said before that I was shocked to hear during the Senate inquiry into these bills on 26 November last year that Treasury has not undertaken—or had not, at that stage—any modelling to determine whether it is more effective to spend money to reduce high-emissions activity or to spend money to increase cleaner generation activity. This is a significant gap in policymaking and I strongly believe the government should commission such modelling as a matter of priority. In fact, a question I would like to give on notice to the government, Mr Acting Deputy President, is: have they actually undertaken this? I think it is something the government ought to address when they are summing up this debate—because they know, Treasury knows, that whether you spend money on reducing high-emissions activity or on increasing cleaner generation activity does make a difference to what is more cost-effective and the price effects of that.

A carbon reduction policy can only achieve its objectives through investment because, in order to transform the economy to a lower-polluting one, you need to change how energy is produced and used. Therefore, we need to know where to direct investment for the best outcomes. The business environment needs to be conducive for that investment to flourish; otherwise, the taxpayer has to pay for it through subsidies or the consumer through higher power prices—and, inevitably, they are effectively one and the same.

The former government fatally damaged its carbon policy by its ill-considered, and I suggest cavalier, changing of the rules. Removing the carbon price floor and then bringing forward the ETS by a year may have seemed like reasonable and popular policy shifts, but it caused great uncertainty for investors and highlighted the lack of robustness in the scheme. I
have no doubt that the changes in government policy have led to major investors either walking away from the Australian energy market or deferring additional investment.

I think the second Rudd Government's proposal just before the election, to link the carbon price to the European scheme by next year, was the final nail in the carbon tax coffin. A European price of about $6 a tonne would be a nuisance tax that would do nothing to drive investment in cleaner energy in Australia. This is especially true where the European price may have been artificially inflated and, in any case, may have little stability—hardly attractive for investors. But the energy sector here well knows that the European scheme has been subject to significant political volatility, leading to price uncertainty. Here in Australia, that would create investment uncertainty and risk. That is why I have to date supported retaining the Clean Energy Finance Corporation.

The elegant simplicity of the Frontier scheme would have been that instead of charging for all emissions it would reward cleaner forms of energy and technology, reducing their cost rather than increasing them, largely avoiding a revenue churn and the associated economic distortions. Also, rather than government acting as both a conflicted tax collector and benefactor, trade would occur between market participants. Despite its flaws, at least Direct Action could be modified to be more efficient and it does not involve the churn of the former government's approach. I believe Direction Action can be modified to take elements of the Frontier approach, to deliver a more cost-effective environmental outcome than the current carbon-pricing arrangements. As I understand it, the Direct Action approach involves a tender process—I say 'as I understand it' because a discussion paper released relatively recently on Direct Action seems to lack sufficient detail, although it appears the government is prepared to show some flexibility in its approach.

Australian state governments conduct tenders for billions of dollars of services in the economy each year. Some of these tenders are flawed and sometimes the services delivered are poor. However, a robustly designed tender process can still be a credible approach to obtain services at a competitive price. Under Direct Action there is only one buyer of the services—the government.

There is a direct cost to the taxpayers and the government has given itself a lot of wriggle room in setting out what the likely costs over the next four years will be. Environment Minister Greg Hunt told Lateline's Emma Alberici that the emissions reduction target is $2.5 billion over the next four years, in terms of money to be spent, but the coalition's policy documents three years ago said that Direct Action obligations would cost $10.5 billion over 10 years. The big advantage of Direct Action that I see, subject to modifications, is that the government spends only a dollar for every dollar that needs to be invested in reducing emissions—not a $5 tax for every dollar, as occurs under current arrangement. This means Direct Action will largely avoid the tax interaction effect, and in this sense is cheaper than what we currently have in terms of reducing emissions.

The other significant benefit of Direct Action is that it will appeal to investors and that they will have a contract with the government to supply abatement. Investors understand contracts and so does the government. It is a very secure and well understood instrument in business and this level of security will attract the investment needed to achieve our abatement targets.

I note Minister Hunt has said that Direct Action could be implemented by regulation, rather than through legislation, to avoid a hostile Senate. I think that is very problematic because of
the potential for any regulations to be disallowed by the Senate, throwing the scheme into disarray and with it any investor certainty with respect to abatement.

I still regard the Frontier scheme as much more targeted in terms of emissions abatement, but I think there is scope for what appears to be a malleable Direct Action approach to incorporate its key elements. It is worth noting that the Frontier scheme unveiled by Malcolm Turnbull and myself, in mid-2009, actually had a 10 per cent emissions reduction target, not five per cent. That is because some of the cost efficiencies from the Frontier scheme were spent on achieving a tougher target. Given that Direct Action has a similar quality, I will be urging the government to allocate some of the efficiency savings from Direct Action to achieving a more ambitious but affordable emissions reduction targets.

I believe the government needs to reconsider its approach to excluding overseas permits from Direct Action. This needs to be put on the agenda. There are arguments to consider the competitive neutrality of buying permits overseas, as long as they are robustly assessed and the local economic benefits of abatement are taken into account.

That brings me to the next related question of how the Direct Action scheme and the renewable energy target may interact. I think it is important that, while all the carbon policy balls are up in the air, the government needs to look at the interaction between the RET and Direct Action. There is an opportunity here to have a coherent environmental policy as well as having a more ambitious reduction target.

I note the May 2011 report from the Productivity Commission, *Carbon emission policies in key economies*, said that the RET was an expensive form of abatement. Whilst I query whether the commission took too narrow an approach in its analysis, I think it would be worthwhile to review the RET in at least one regard, as it has been reviewed in other jurisdictions—that is, the existing framework fails to weight renewable energy certificates on the basis of whether the renewable energy is more reliable as a baseload source. Baseload geothermal, solar thermal and tidal power are at a distinct disadvantage in the current scheme, compared with wind energy, because of this lack of weighting. If you want to replace coal-fired power stations you need to have a reliable form of baseload energy. It is reasonable to say that wind energy investment has choked out investment in baseload renewables, which is something that is of particular concern in my home state of South Australia as it has enormous potential with its geothermal reserves in the north of the state.

Debate adjourned.

PETITIONS

Protection of Dingoes on Fraser Island

Senator MOORE (Queensland) (18:50): by leave—I present to the Senate the following e-petition, from over 8,000 people, which is not in conformity with the standing orders as it is not in the correct form:

Federal Parliament of Australia

This petition was created on behalf of the Call Upon the Australian Government to Protect the Dingo organisation and has collected over 8,000 signatures world-wide. The initial target was 5,000.

The action we require from the government is for the dingo, an animal native to Australia, to be protected under Federal law because at this stage the level of protection varies from state to state and in
some states, it is not protected at all. A particular case in point is that of the Fraser Island dingo, the last of the pure bred strains of dingo left in Australia.

Please consider this petition carefully and with the respect due to any native animal of Australia. They are all relevant to the environmental health and wellbeing of our country and this includes the dingo.

Thank you.

from 8,046 signatories

Petition received.

DOCUMENTS

Department of Agriculture Fisheries and Forestry

Senator BACK (Western Australia—Second Deputy Government Whip in the Senate) (18:51): I am delighted to rise to comment on the report to the parliament titled Livestock mortalities for exports by sea: 1 January - 30 June 2013. I move:

That the Senate take note of the report.

In so doing I comment once again on the excellence of the figures that have been presented to us in the report. Of some 440,000 cattle—just under half a million—mortalities were 500, or 0.12 per cent. In other words, more than 440,000 of the 441,000 survived the journeys in condition as good as or better than when they left Australia's shores.

In numbers of sheep, out of 805,000 the mortality rate was 1.12 per cent, which is higher than you would normally expect—some 9,800—but there was one particular incident in September in the Gulf where the vessel, as I understand it, ran into a most unusual high-humidity period for a couple of hours. At different times I have read—although I never experienced this when I was a veterinarian on live sheep ships—about that type of circumstance, but prior to that and after that the mortality levels have been very low. If you remove those, we are back down to 0.7 per cent, which I think is a remarkable statistic and speaks to Australia's excellence over the last 40 years in leading the world in the transport of livestock to the points of export, transport on vessels, transport to feedlots, behaviour, nutrition and husbandry at ports. I will come back to that.

This evening I want to report to the Senate a remarkable statistic. In Jordan at this time there are some 700,000, moving towards one million, refugees coming across the borders from Syria. I am very proud to report that Australia almost uniquely is supplying the sheep, and therefore the sheepmeat, for that enormous number of refugees displaced by the atrocities going on in Syria at the moment. It is my understanding that meat forms about 18 per cent of the accumulated foodstuffs for those people. This country can be very proud that, as a result of the long-term contracts we have had, as a result of the excellence of the stock that leave this country and are transported and arrive in those destinations—in this case Jordan and its associated Gulf states—we are playing our role in providing foodstuffs. Should anyone say, 'Surely we could send this meat frozen or chilled,' I would dare say that, with the standard of infrastructure in the refugee camps supporting some 700,000 to a million people, refrigeration would not be high on the priority list.

We are always going to have disasters and we are always going to have events with animal deaths. Unfortunately, during the bushfire season here in Australia during January, on one day...
alone we lost 7,000 sheep in a bushfire in one of our southern states. Australia has always and, regrettably, will always face those sorts of events. It is the resilience of our producers, the excellence of our exporters and, I dare say, the excellence of our regulators who oversee this process that drive the improvements that always go on. I say, and will go on saying, that, of the 109 countries that export live animals around the world, there is only one country that has ever invested, and continues to invest, time, money and people in improving animal husbandry, animal welfare, nutrition, housing, transport and other standards in those markets—and that country is Australia.

I believe it is high time that Greens senators, animal activists and others in this country give some acknowledgement to the producers, the exporters and those who have over so many years worked to improve and upgrade standards. Are those standards at 100 per cent? No, they are not. But let me say this to you very clearly: should Australia ever be exited from live export trade in those markets, two things will happen: we will lose the meat trade, as indeed we have done every time we have lost live export trade, and—I say this particularly to those who genuinely have an interest in animal welfare standards around the world—the inevitable outcome will be a decline in animal welfare standards in those countries. I for one will never stand in this chamber and fail to defend animal welfare standards around the world.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Gallacher) (18:59): Order! I propose the question:

That the Senate do now adjourn.

Canberra Burns Club's 90th Anniversary

Senator SESELJA (Australian Capital Territory) (18:59): I am pleased to rise tonight to commemorate the 90th anniversary of Canberra's oldest social club, the Canberra Burns Club. The Burns Club began in 1924, when only 3,000 people called Canberra home. A significant number of construction workers who were building the new capital city were of Scottish origin and they decided to form a society where they could support each other, socialise and maintain their Scottish cultural interests. The club was named after Scottish poet Robert Burns and quickly established itself in Canberra's life. Within its first year, the Burns Club was already an important and active influence in the Canberra community. The first highland gathering of 1925 raised money for Telopea Park School, a soccer team was formed and a series of concerts were organised to help raise funds for the Queanbeyan Hospital.

Since that first year, the Burns Club has continued to contribute to Canberra's life. Last year was Canberra's Centenary and for 90 of those 100 years the Burns Club has been a staple of Canberra's culture and community. The club's famous pipe band and highland dancing group have enriched the artistic character of Canberra, and the variety of sports groups have promoted healthy and active living while fostering community engagement.

In 1927, the Burns Club undertook a project to build a Robert Burns statue in Canberra. After raising funds across Australia, the statue was built in Forrest in 1935 and was unveiled by the then Prime Minister Joseph Lyons. It was not the first or the last encounter with
politics the Burns Club would have. In 1931, the then Prime Minister James Scullin was guest of honour at the Burns Club night. In 1939, Robert Menzies became the club patron.

The club funded and built its own club facility in Forrest and it was opened in 1957. The club then moved to its current location in Kambah in 1991, where it has grown to over 14,000 members. I was privileged to be a part of the club's 90th anniversary celebration dinner last month and I was able to hear some of the great stories that are part of the club's heritage—as well as enjoy some haggis! It is an extraordinary achievement for a small, independent club like the Burns Club to have survived these nine decades—decades that saw the Great Depression, war, recession and social change.

But the Burns Club have not only survived; they have flourished and continue to live out their original charter to preserve and promote Scottish culture and to contribute positively to the community. There are many challenges that face small clubs in Canberra, but their success is an important part of maintaining and promoting the diversity of cultures and creeds here in the ACT. I encourage Canberrans and visitors to the ACT to use and support these clubs.

I would like to commend and congratulate the current president, Mr Athol Chalmers, who is also the leader of the pipe band, as well as the CEO, John Weir, for the great work that they have done. I acknowledge all the current and former members of the Canberra Burns Club who have made it such a success. I hope that this anniversary will be just one of many celebrations in the years to come.

Broadband

Senator O'NEILL (New South Wales) (19:03): I rise to decry the abysmal state of communications policy under the people's choice for Liberal Party leader. When you have polls like the recent ReachTEL one that puts the Minister for Communications as the most popular choice for leader—even more popular than the Prime Minister and the Treasurer combined—you really have to wonder what the Australian public have done to deserve such a set of choices of men with such limited vision for this great nation of ours. The fact that people would prefer to have in charge of the Liberals the very minister responsible for ripping away affordable, high-speed broadband from every household across the nation only to replace it with a retrograde, century-old infrastructure is a sad indictment of this government that is determined to shrink Australia's capacity and at the same time our belief in ourselves as a nation with the capacity to lift up and envision a bold and great future. That is the hallmark of Australians—a willingness to innovate and a capacity to see a bolder future. But the small-mindedness of those who are leading now could not be better represented than in the terrible policy they have decided to implement around the NBN.

To be fair to Mr Turnbull, Mr Abbott once again deserves to wear most of the blame. He simply has no regard for or even a basic conceptual understanding of the genuine technological challenges facing Australian households and businesses going into the future. Nor does he understand the opportunity presented by ubiquitous NBN access for all Australians. Businesses do not operate only in business parks. Businesses—small businesses in particular—operate out of homes where technological capacity gives them the opportunity to work, earn an income and employ people in the local community and still access a global market. Mr Abbott is a leader who has in the past questioned the very need for the NBN, stating:
... do we really want to invest ... hard-earned taxpayers' money in what is essentially a video entertainment system?

That level of enlightenment was in 2010. He has also said:
... if you're gonna get me into a technical argument, I'm going to lose it ...

It is the Australian people who have lost—by losing Labor's high-speed broadband network, which would deliver up to 1,000 megabits per second, only to have it replaced by an obsolete, cheap-bit patchwork that struggles to top 50 megabits at the very best.

While the argument is often about speed, I make the point that it is the reliability of a fibre-to-the-premises network that is a critical part of what the NBN delivers. If we are really going to take heed of what we have been finding out about in telehealth, if we are really going to give Australians who have given their working lives to this nation the chance to age in place and have the support and technology to help them monitor their health in very efficient and effective ways, we need a stable provision of this service to homes. Even Mr Turnbull has tacitly conceded that his plan for a patchwork quilt of delivery is flawed. Who would invest their hard-earned income, as Malcolm did, into France Telecom when the company was rolling out fibre-to-the-home technology across France if they doubted the economic benefits of the fibre-to-the-premises model?

True to form, on the NBN, as on so many other issues, this government has broken its promise to the Australian people. Prior to the election, the coalition promised to honour all contracts entered into by the NBN, with Mr Turnbull stating:
Every contract the NBN Co has entered into will be honoured in accordance with its terms.

That was as recently as 16 August 2013. ut simply, he has deceived the Australian people. It is yet another deception from an increasingly deceptive and sneaky government.

As we see in Tasmania and where I live on the Central Coast, the coalition has walked away from their prior commitment to rolling out the NBN in an equitable way to all Australians. It is so toxic that even the Tasmanian Liberal leader, Will Hodgman, was recently heard conceding that it could cost them the election. To add insult to injury for the Central Coast, the government has listed Umina as one of the test sites to trial the obsolete fibre-to-the-node technology. It is an open admission that they are going to create a community of have and have-nots on the Central Coast. We know that they have not even consulted local businesses or the community—they confessed to that at estimates. It is little wonder that over 250 local businesses have banded together to lobby the government to give them fibre to the premises. I support their actions and will continue to fight this government of small-mindedness and limited vision.

**Sharks**

Senator SIEWERT (Western Australia—Australian Greens Whip) (19:08): People will hardly find it surprising that I rise tonight to talk about the ongoing shark slaughter in Western Australia. This is reckless, it is cruel, and it is needlessly destructive of sharks off the coast of Western Australia. It is being perpetrated by the Western Australian government, but—just so we are really clear here—the Abbott government is also directly responsible for this foolish policy. Were it not for the exemption from the application of the Environment Protection and Biodiversity Conservation Act that has been granted, this cull would not have gone ahead in this manner—and it certainly would have been assessed. We do not believe this is appropriate
policy. We also do not believe that the Premier of Western Australia or the Abbott government should be excused and be able to hide behind the excuses that the environment minister made for allowing this exemption to go ahead.

As late as yesterday, the Prime Minister again voiced his support for this cull. In fact, he said he might try surfing when he is in Western Australia during the election debate. His government has allowed this cull to take place by granting an exemption under section 158 of the Environment Protection and Biodiversity Conservation Act. The Howard government brought in this legislation in the first place. This exemption is for exceptional circumstances. Examples would be emergencies—things like defence or security emergencies or a national emergency like a disaster—or if urgent action needs to be taken to protect an endangered species. I use the word 'protect'—it is not for culling a vulnerable species, which is what is happening with this particular piece of legislation. The government has essentially looked for what it could use under the act to exempt this cull. If you look at the exemptions that have been made in the past, they have been in relation to devastating natural disasters, such as floods or bush fires, or responses to human made disasters—the Montara oil spill, for example.

Imagine if the environment minister had actually used the environment protection act to protect the species that he has responsibility for protecting—the great white shark and the mako shark. The mako shark is listed as a migratory species. The federal government has a responsibility to look after such species, not only under the environment protection act but also under conventions we have signed. This exemption was granted to the WA government on the basis of a series of conditions, including, in particular, that they would use hooks that would minimise the environmental impact on smaller sharks. They did not use the circular hooks that are used in other countries. They have used hooks that are having a devastating impact. The calculation is that over 70 sharks have been caught and that most of those have been undersized sharks. Two of those were mako sharks that, as I have said, are protected under the Environment Protection and Biodiversity Conservation Act.

In estimates, the official I asked about the need for assessing those conditions said they would not be assessed because an exemption had been granted. I have a letter from the minister about the shark cull where he said, amongst other things, 'any breach of conditions will result in the exemption being terminated.' Why is that exemption not being terminated when quite clearly those conditions are being breached? They have also caught two mako sharks, a protected species under the environment protection act. In estimates I was told that the department could only act if a species covered by the act was caught. Two animals covered by the act have been caught and killed. Why, therefore, is the minister not ensuring that these conditions are assessed and the exemption terminated? The WA government has breached the conditions of the exemption—an exemption that should never have been granted in the first place. The Minister for the Environment needs to carry out his job and needs to terminate this destructive, cruel, barbaric policy.

World Plumbing Day

Senator SMITH (Western Australia) (19:13): In my brief contribution this evening, I would like to note an important date that will occur next week but is, perhaps, not at the forefront of public awareness. On Tuesday, 11 March, those involved in the plumbing industry here in Australia and around the globe will mark World Plumbing Day. Instituted by
the World Plumbing Council in 2010, the day is a global effort to highlight the vital contribution those in the plumbing industry around the world make to the ongoing health and welfare of our modern society. Despite our own country's regular experiences with drought over many decades, it is fair to say that many Australians, particularly those living in metropolitan areas, take for granted the fact that they will always enjoy a safe, reliable supply of potable water. We get up, we turn on the tap and we can drink the water that comes out of it—or we can shower in it or use it for food preparation. It is not something that most of us give a second thought to in our day-to-day lives, but the fact is that the reliability and safety of our water supply has not just happened by itself. It is thanks, in large part, to the expertise and dedication of Australia's plumbing professionals who, through their ingenuity and the continued use of improved technology, are ensuring Australians continue to enjoy a sustainable water supply.

The fact is that water is a precious commodity and our supplies of it are not as bountiful as some assume. While it is true that water covers around 70 per cent of the earth's surface, only 2.5 per cent of that is fresh water, and only 0.77 per cent is easily available potable water. The shortage in supply of potable water is not some far-off problem that we can or should put on the backburner. The United Nations has estimated that around one billion people around the world—that is, one in every six people—are, at this very moment, struggling with the problem of fresh water scarcity. The World Health Organization estimates that some 2.6 billion people the world over do not have access to what we would consider to be adequate sanitation, and 3.1 million children die each year from diseases attributable to an inadequate or poor-quality water supply. Plainly, this is not a minor problem.

A lack of fresh water is a significant contributing factor to a range of other problems experienced in some of the world's poorest regions—among others, hunger, disease occurring through poor hygiene and poor sanitation, and a lack of educational opportunities. There is a high correlation between access to reliable supplies of fresh water and economic prosperity—and, hence, political stability. Reliable water supplies can only be ensured by the installation and ongoing maintenance of quality plumbing systems maintained by qualified and skilled plumbing professionals.

Next Tuesday's World Plumbing Day will serve as a fitting opportunity to recognise the skills and dedication of the world's plumbing professionals, the contribution they make to the ongoing health and welfare of all Australians and the progress that the plumbing industry is making in the ongoing effort to improve living and sanitation conditions in some of the world's poorest communities.

I am delighted that Western Australia's own Stuart Henry, a former member for Hasluck in this parliament, who also served as chairman of the World Plumbing Council, continues to play an active role in encouraging greater recognition of the invaluable work the plumbing industry does here in Australia and around the world. I congratulate the World Plumbing Council on its initiative and wish all those attending events next Tuesday to celebrate World Plumbing Day the best for an enjoyable day.

**Atypical Hemolytic Uremic Syndrome**

**Senator PERIS** (Northern Territory) (19:17): I rise today to address the house on a rare medical condition that has recently affected Isabelle Ruiz, the granddaughter of Mary
Meldrum, one of my central Australian constituents. The disease that I stand here in front of you to talk about today is atypical haemolytic uremic syndrome, also known as aHUS.

This condition is a disease that primarily affects kidney function. The condition, which can occur at any age, causes abnormal blood clots to form in small blood vessels in the kidneys. These clots can cause serious medical problems if they restrict or block blood flow. This disease is life threatening and without the drug Soliris there is a more than 65 per cent chance that patients suffering from this disease will die.

Patients require treatment via dialysis. If treatment is unavailable or unreachable, they develop permanent kidney damage within one year of diagnosis. Submissions have been made to the Pharmaceutical Benefits Advisory Committee by the AHUS Patient Support Group of Australia as well as health professionals and families and friends of aHUS sufferers, urging the Pharmaceutical Benefits Advisory Committee to recommend to the Minister for Health that Soliris be funded through the Life Saving Drugs Program.

The Life Saving Drugs Program is an Australian government initiative that provides subsidised access to those eligible to expensive, yet life-saving medication. It is estimated that treatment for this young member of our community comes at a cost of $600,000 a year, which obviously puts it out of reach for her and her family and friends—as it would for most Australians. Before a drug is made available on the Life Saving Drugs Program it must be accepted by the Pharmaceutical Benefits Advisory Committee as clinically effective, but not recommended for inclusion on the Pharmaceutical Benefits Scheme due to unacceptable cost effectiveness.

Soliris has already—and rightly—been made available for patients suffering paroxysmal nocturnal haemoglobinuria, which is also a rare, generally acquired, life-threatening disease of the blood. We are simply advocating for Soliris to be given the same consideration for those suffering from aHUS. This month the Pharmaceutical Benefits Advisory Committee will meet to consider whether the drug fits the stringent criteria for the Life Saving Drugs Program. Unfortunately, it failed to gain approval last March.

Through persistence and dedication, the AHUS Patient Support Group of Australia has been campaigning for this rare disease to be placed on the Life Saving Drugs program. This determined group has collected petition signatures, and I am calling on my fellow parliamentarians to encourage the government to provide some funding for Soliris through the Life Saving Drugs Program. The support in response to this petition has been amazing, with more than 22,000 Australians pledging their support for this petition. Just under 1,000 of those signatures were received in Alice Springs, home to the spectacular MacDonnell Ranges. This level of support is significant, especially given that the 22,000 signatures were received within just one month.

In closing, I urge all fellow parliamentarians to get behind the AHUS Patient Support Group of Australia in this very important petition to ensure that these life-saving drugs are supported by the Pharmaceutical Benefits Advisory Committee.

**Western Australian Goldfields Miners Monument**

**Senator BACK** (Western Australia—Second Deputy Government Whip in the Senate) (19:21): It was my privilege last Saturday to join my colleague Rick Wilson, the member for O'Connor, in Kalgoorlie, along with some 350 eastern goldfields residents and guests for the
unveiling of a monument to miners who have died while working on mines in the eastern goldfields since 1889. There were 1,491 names on the absolutely wonderful monument that has been built there with the assistance of the local community, the mining industry, the government and the Western Australian Museum. Of those 1,491 miners, two were women and two, regrettably, were children, including a young 12-year-old, Michael Kinnane, who was killed in a rockfall while working beside his father at Kanowna in 1899. His father died some days later from the same incident. One can only wonder how the widow and other members of that family survived that.

It was also my privilege to be there with the recently retired minister for mines, and the longest serving member of the Western Australian parliament, the Hon. Norman Moore. What was significant on that wall was that there were three years, 2010 to 2012, where no deaths were recorded. That was as a result of Norman Moore coming into the ministry and taking the position that a risk management approach would be adopted for every individual mine site rather than a tick and flick by mines inspectors. He also made the requirement that the mines themselves, the mining companies, would be responsible for the costs associated with examination and inspection. Of course, the hope of all of us is that there never will be another name added to that wall.

I thank the Minister for Mines and Petroleum, Norman Moore's successor, the Hon. Bill Marmion, for a quote by a journalist, John Marshall, on the Goldfields more than 100 years ago. He wrote eloquently about the sacrifices of miners in the early days of the Goldfields and, with your permission, I will quote. These were his words: 'These names may not be emblazoned on the scroll of fame. Their brave deeds may be forgotten or remembered only by the loved ones who treasure and mourn their loss. But such have not lived in vain. The present generation and generations yet unborn will reap the benefit of their courage and enterprise and their example will not be lost.' Last Saturday, we were in a position to actually see emblazoned on that wall those names of the 1,491, going back to 1889.

The point should be made that representation on the Eastern Goldfields was not by Western Australians; it was largely by eastern staters, particularly Victorians, Senator McKenzie.

Senator Farrell interjecting—

Senator BACK: Indeed, I have to record that in 1898-99, Senator Farrell—through you, Mr Acting Deputy President—when the referendum was taken in Western Australia as to whether we would join the federation, the overwhelming response of coastal and agricultural people was, 'No, we won't join the federation.' It was an overwhelming number of Victorians who actually said, 'Well, if you don't join the federation we will form a state called the Western Australian Goldfields and we'll federate with the rest of the colonies.' The then Premier, Sir John Forrest, and Winthrop Hackett, who owned WA newspapers, then realised that, since the colony was nearly bankrupt, had the gold from the Goldfields been removed we would never, ever have joined the federation. That, of course, is the reason why today you do not see the name of Western Australia in the opening words of the Australian Constitution.

I want to recognise some names, if I may: the first chairman, James Donnelly, who some 11 years ago had the concept of building the wall; his co-chair over time, Danielle van Kampen; the current chair, John Bowler; and Doug Daws, who acted as the MC on the day. You could fairly say that Doug would probably be the MC of most events in Kalgoorlie. But I give particular credibility and recognition to a Ms Moya Sharp, who actually researched every
single name. A website exists where if you click on the name it links back to the person themselves and the mining incident that occurred.

In the time I have remaining, I want to mention the emergency response competitions that are undertaken each year on the Goldfields, one for underground mining recovery and one for on-ground operations. They have their origins well over 100 years ago. It was a momentous event and, as I say, I hope we never see another name added.

**Seeger, Mr Pete**

*Senator Faulkner* (New South Wales) (19:26): He was a peace activist and environmentalist, a civil rights campaigner and union man. He collected the songs of America's poor and poorly treated. He made their melodies popular, conserving their truths for posterity. He provided the soundtrack to the civil rights movement and countless other struggles for justice. He was Pete Seeger.

Pete Seeger was born on 3 May 1919 in New York, the youngest of three sons born to Charles Louis Seeger and Constance de Clyver Edson. Music and idealism were in the blood. His father's people were religious dissenters and abolitionists who migrated from Germany to New England during the American Revolution. Charles Seeger was a Harvard educated composer, widely regarded as the father of American musicology. Constance was an accomplished concert violinist and alumna of the Paris Conservatory of Music.

Seeger attended Avon Old Farms, an elite boarding school, where he shined shoes and worked in the kitchen to meet the fees. Like his father he attended Harvard, where he founded a radical paper and joined the Young Communist League. Disillusioned by Harvard's elitist atmosphere and narrow curriculum, he eventually left for the excitement and opportunity of New York City. But New York during the Depression offered little opportunity for Seeger, who wanted to be a journalist or painter. His dishevelled appearance thwarted his attempts at securing a job in journalism; his lack of talent, his artistic ambition. A teacher looking over his portfolio casually asked Seeger what else he did. 'Well, I play the banjo,' Seeger answered. 'I've never heard you play the banjo,' the teacher responded, 'but I'd suggest you stick to that.'

He took a job at the Archive of American Folk Song at the Library of Congress, where he immersed himself in American folk music. But his first break came as a member of the Almanac Singers, a five-piece group that included Woody Guthrie. Their album, *Talking Union*, remained a staple of the labour movement for decades. The group's links to the Popular Front and initial opposition to the Second World War brought the attention of the CIA. The group disbanded in 1942.

Seeger served in the US Army during World War II, entertaining troops in the Pacific. At war's end, he helped establish People's Songs, an artistic and political alliance created to 'make a singing labour movement'. But, as Roosevelt's New Deal unravelled and the Taft-Hartley act took effect, the music stopped for People's Songs. In 1948 Seeger joined a new group, The Weavers. A series of hit singles followed beginning with *Goodnight Irene*. But popularity brought scrutiny and Cold War questions lingered. The Weavers were blacklisted in 1953 and Seeger was targeted by the House Un-American Activities Committee. In August 1955 he testified before the House Un-American Activities Committee but refused to answer any questions about himself or others. Responding to questions on his political associations, he said:
I am not going to answer any questions as to my association, my philosophical or religious beliefs or my political beliefs, or how I voted in any election, or any of these private affairs. I think these are very improper questions for any American to be asked …

In 1961 Pete Seeger was found guilty of contempt of Congress and sentenced to 10 years jail—a sentence overturned on appeal. Undeterred, Seeger's activism continued. In 1965 he joined the thousands who marched from Selma to Montgomery in support of civil rights. But his lasting contribution to this cause was to popularise an anthem first sung by striking tobacco workers from North Carolina. The song was *We Shall Overcome*. It became the soundtrack of that struggle. In 1967 he again courted controversy with *Waist Deep in the Big Muddy*—a thinly veiled protest against US involvement in the Vietnam War. At the time his banjo carried the slogan 'this machine surrounds hate and forces it to surrender'—an ode to, and alteration of, Woody Guthrie's 'this machine kills fascists'. In the same period Seeger helped establish an environmental group focused on cleaning up his native Hudson River. The group dedicated itself to building a sloop—the *Clearwater*—to raise environmental awareness. At the time many were baffled by the idea, but to this day the *Clearwater* is used to educate the public on environmental issues.

Seeger was a controversial figure—called 'Khrushchev's songbird' by the John Birch Society; stoned for performing with Paul Robeson near his home in upstate New York; banned from textbooks in Texas; and slow to recognise the inevitable horrors of totalitarianism. He was often criticised for being un-American, but I suspect the opposite was true. True patriots are often a country's keenest critics. Tall, wiry, austere—some would say that he lent radical politics a certain dignity, a certain resolve and a respectability borne of his New England reserve.

Pete Seeger inspired generations of artists. Bob Dylan called him a saint. Bruce Springsteen said, 'He had a sense of the musician as a historical entity, of being a link in the thread of people who sing in others' voices.' Seeger was both an artist and an archivist—a producer and preserver of song. Rufus Wainwright wrote after his death, 'To hear him was to feel the world, to meet him was to touch it.'

Peter Seeger died on 27 January this year. He was 94.

**National Broadband Network**

*Senator BILYK* (Tasmania—Deputy Opposition Whip in the Senate) (19:34): Not many people would have heard of the Danish scientist Jakob Nielsen nor realise his relevance to one of Australia's current political debates. Dr Nielsen has a PhD in human-computer interaction and worked for various technology companies, including Sun Microsystems, before founding his own company. He also lent his name to Nielsen's Law, which states that internet bandwidth for high-end home users will increase by 50 per cent every 21 months. In other words, demand for broadband speed will keep rising exponentially.

For such a geographically vast nation as Australia, in an increasingly digital world, the success of our economy relies on overcoming distance. This means fast broadband. This is why Australia needs Labor's fibre-to-the-premises national broadband network—the real NBN. If we accept Nielsen's Law, the users who are happy with 25, 50 or 100 megabits per second now will be demanding 75, 150 or 300 megabits per second by 2019. By 2024 they will be demanding up to 1,000 megabits per second, which cannot be delivered without fibre to the premises.
At the end of 2012, Australia was ranked 40th in the world for broadband speed, with an average of 4.4 megabits per second. Yet new broadband applications are emerging in business, community and government services that demand faster and faster speeds. For example, businesses storing large volumes of data need higher bandwidth to back up regularly to offsite servers or cloud storage; a hospital delivering health services to several remote areas simultaneously via telemedicine will need enough bandwidth to stream several high-quality videos; virtual classrooms require high bandwidth, not just to stream content from videoconferencing but also for the content that is being shared among the students, which could also include high-definition video. As these applications become popular, several users in the same household, business, school or hospital will want to access them at the same time. But we need faster broadband speeds, not just for those applications but for the applications that have yet to be discovered.

That is why I think it was quite profound that when Mr Turnbull, then shadow communications minister, said he could not imagine why anyone would need a 100 megabits-per-second broadband connection, the then minister, Senator Conroy, pointed out that that was a failure of Mr Turnbull's imagination. Another good reason why we need the full rollout of Labor's NBN is that the coalition's policy is a shambles. We know that the Minister for Communications, Mr Turnbull, received 154 pages of secret advice shortly after the election—advice which was highly critical of their policy.

Among the criticisms of the coalition's fibre-to-the-node network were: the policy to build the NBN in two stages, delivering speeds of 25 megabits-per-second by 2016 and 50 megabits per second by 2019, will cost more and take longer; a minimum speed of 50 megabits-per-second cannot be guaranteed with copper anyway; a fibre-to-the-node network will result in 30 per cent less revenue, making it more difficult for NBN Co to raise debt financing; the cost of fixing Telstra's ageing copper network is unknown to NBN Co and even to Telstra. Also, the cost of maintaining the network is estimated to be between $600 million and $900 million a year, which, by the way, was not even considered in the coalition's pre-election costings; a managed lease agreement with Telstra for the copper network could create issues with the structural separation of Telstra, which is an important initiative if we are to achieve a truly competitive telecommunications industry; and a fibre-to-the-node network will have to be upgraded in future by deploying fibre closer to end-user premises to meet demand for higher speeds. This will result in higher capital costs in the future.

This is the real strategic review of the NBN, rather than the published review that was produced by Mr Turnbull's handpicked advisers, so he could get the answers that he wanted to hear. The failed broadband policy the coalition took to the last election—the 22nd in a series of failed policies—is now known to the Australian public as 'fraudband' because of its sheer inadequacy in meeting Australia's future needs.

But the fraud goes even further, because the policy being put forward by the coalition now falls well short of the policy they took to the election. First of all, the minister has abandoned his promise to deliver minimum speeds of 25 megabits-per-second to every Australian through the NBN by 2016. In fact, despite claims by those opposite that they will deliver the NBN faster than Labor, construction of the NBN has actually slowed down under the Abbott government.
In response to questions in the Senate Select Committee on the National Broadband Network in December last year, the CEO of NBN Co, Dr Ziggy Switkowski, confirmed that the rollout of the NBN would slow from 5,000 premises per week to 4,000 premises per week under the ‘fraudband’ model. There were repeated promises by the coalition to honour existing contracts when it came to the rollout of the NBN.

On 17 August, the communications minister, Mr Turnbull, was quoted in Tasmania's The Examiner newspaper as saying:

… the alternative would be to breach them …

that is, the contracts—

and that is a course we would not countenance.

There is no doubt that thousands of Tasmanians voted federally for the Liberal Party in the mistaken belief that they would receive superfast optic-fibre-to-the-premises broadband regardless of who won government. I sincerely hope that the Tasmanian people do not fall for that trick again in the coming state election.

The government's decision to instead use a mix of technologies—I would call it a hodgepodge of technologies—for the rollout of their second-rate NBN has resulted in the bizarre situation where some urban communities are in a broadband lottery, where the quality of their broadband service literally depends on which side of the street they live on. For example, people living on one side of Leslie Street in Launceston will receive fibre-to-the-premises, whereas those living across the road will receive Mr Abbott and Mr Turnbull's second-rate 'fraudband.' That means, while the service on one side of the street has peak speeds of 100 megabits-per-second, increasing to 1,000 megabits and even more, their poor cousins across the road will be stuck on a paltry 25 megabits-per-second, unless they want to shell out up to $5,000 for an optic fibre connection to their home.

Last week, NBN subcontractors rallied in Hobart against the government's broken promise. Many of them hired staff and invested millions of dollars in equipment, which is now redundant because the government has abandoned a fibre-to-the-premises rollout. These small family businesses, such as Bill Clark's small contracting firm, which has been in his family for four generations, are now going bankrupt and hundreds of staff are being laid off. So much for this government's promise of creating jobs!

At a press conference recently in Hobart, Mr Abbott refused to respond to questions about his broken promises to the Tasmanian people. The best he could come up with in response to the media's question was—and listen to this:

I think we've had a good go on this issue and we'll go onto other issues if you don't mind.

Luckily, one of the media did mind and a journalist asked a follow-up question:

Do you accept that it's a broken promise to no longer commit to full fibre to the premises rollout given what was said by Liberal Party candidates and members before the election?

Mr Abbott's response:

Are there any other subjects people want to ask questions about?

Perhaps Mr Abbott should take some of his own advice when it comes to his broadband policy. Speaking at his press conference in Tasmania, Mr Abbott said:

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If you want things done, if you want to go ahead as a State and as a nation let's have the State Government and the Commonwealth Government working together.

While the Prime Minister seemed to be implying that a coalition government in Canberra would be more cooperative with a Liberal government in Hobart, the latest overtures for cooperation by Tasmanian Liberals have been laughed off by this government.

The Tasmanian opposition leader, Will Hodgman, went cap in hand to Sydney to convince federal communications minister, Mr Turnbull, of the merits of a full fibre rollout and came back empty handed. It is to his credit that Mr Hodgman has finally come to the realisation that his federal colleagues are selling Tasmanians short when it comes to broadband. After all, he has been unusually silent on a raft of other federal cuts affecting Tasmania, such as the cuts to regional development programs, crime prevention grants, the Midland Highway and Commonwealth agencies in Tasmania. That is in addition to the money Mr Abbott is ripping from Tasmanian pockets by cutting the schoolkids bonus.

I would like to remind those opposite that their leader, our nation's Prime Minister, promised the Australian people before the election that he wanted to lead a government of no surprises. He wanted to lead a government that would underpromise and overdeliver. When it comes to the NBN, Tasmanians have got a very nasty surprise indeed from the so-called government of no surprises. Far from underpromising and overdelivering on broadband policy, this government has done the complete opposite.

**Aviation Transport Safety Bureau**

Senator XENOPHON (South Australia) (19:44): I would like to speak tonight on an incredibly seriously issue that goes to the heart of aviation safety in Australia. In May last year, the Senate Rural And Regional Affairs and Transport References Committee handed down a damning report into the Aviation Transport Safety Bureau's investigation of Pel-Air flight VH-NGA off Norfolk Island in 2009. At the outset, I want to acknowledge the excellent work of the committee secretariat in this inquiry. I also want to acknowledge the contribution of Senator David Fawcett—that is you, Mr Acting Deputy President—whose experience and expert knowledge were invaluable to the other committee members. I am very grateful for that, as are the rest of the committee. I also want to thank the individuals involved in the incident, and their advocates and representatives, for the time and effort they spent to ensure the committee fully understood the events of that night and their implications. Bryan Aherne and Mick Quinn, experts in aviation safety with distinguished careers in aviation, deserve recognition. Mr Quinn is a former deputy director of CASA. Mr Aherne is an independent safety expert who is also very highly regarded.

The inquiry report notes that the committee had strong concerns about the methodology the ATSB used to attribute risk:

The methodology appears to defy common sense by not asking whether the many issues that were presented to the committee in evidence, but not included in the report, or not included in any detail, could:

- help prevent such an incident in the future;
- offer lessons for the wider aviation industry; or
- enable a better understanding of actions taken by the crew.
That is indicative of the abject failures of the ATSB in investigating that accident. It was also incredibly distressing to hear, during the committee process, of the physical and emotional impact on these individuals—and I hope that they will be fully vindicated soon. The Senate inquiry was not an attempt to reinvestigate the circumstances of the ditching. Instead, it focused on the ATSB investigative process and how that process was reflected in the ATSB's findings regarding VH-NGA.

The Senate committee's report sets out how the pilot of the Pel-Air flight on that fateful night was, in my view, made a scapegoat by the ATSB. What the committee discovered was that the ATSB appeared to give little consideration to systemic failures and instead laid most of the blame at the feet of the pilot, Dominic James. A key feature of world's best practice accident investigation is to look not at the actions of individuals but at the environment in which those actions took place—something that you well know, Mr Acting Deputy President, with your distinguished career as a test pilot. By doing so, investigators can establish the flaws in the system so that they are not repeated. Instead, what the Senate committee discovered was that, while the ATSB was aware of systemic failures—poor fatigue management and flight-planning systems on the part of the operator Pel-Air—they largely ignored these in favour of focusing on the actions of the pilot, Dominic James.

I spent a lot of time with Mr James before and during the inquiry, and he is the first one to tell you that, yes, he made some mistakes that night. But would he have made those same mistakes if the company he was working for had insisted on proper rest for its pilots and ensured that they had appropriate tools for flight planning? Common sense says no, he would not. But the ATSB seems to differ. What is even more concerning is that a document came to light during the inquiry that revealed CASA were aware of significant regulatory breaches within Pel-Air and also their own failures to enforce those regulations. Despite a memorandum of understanding with the ATSB that required CASA to share this information, they did not do so.

The committee's recommendations cover a significant number of issues, among them the ATSB's investigative processes; the classification and regulatory oversight of aeromedical flights; the provision of weather information; and the application of the MOU between the ATSB and CASA. The committee also raised concerns about the ATSB's decision not to retrieve flight data recorders from the ditched plane despite the ATSB's responsibilities under the International Civil Aviation Organization's annexe 13 ruling. The committee was so concerned with Mr Dolan's comments on this front that it stated in its report:

Mr Dolan's evidence in this regard is questionable and has seriously eroded his standing as a witness before the committee.

This is an incredibly strong statement in regard to a senior public servant. I do not understand how Mr Dolan's position in the ATSB is tenable. And yet, neither the previous government nor the current government has formally responded to the committee's report—but I understand it is coming shortly.

The ATSB's response to this report has been to commission Canada's Transport Safety Board to undertake a review of the ATSB's investigative processes, with particular reference to the Pel-Air investigation and two other incidents. However, it emerged in Senate estimates just last week that the Canadian TSB have only reviewed the investigation on the documents. They have not interviewed the individuals involved in the incident and those individuals who...
provided extensive evidence, such as Mr Quinn and Mr Aherne, even though those individuals are very critical of the ATSB's processes. As I understand it, they have not spoken to members of the Senate committee or even to CASA.

Given the many issues regarding oversight and transparency that were raised in the committee report, this is incredibly concerning. It is hard to understand how the Canadian TSB can produce a useful or meaningful view without digging further than the surface documents. This should not be a tick and flick exercise. The people involved in this incident—the pilot, Dominic James; the co-pilot; the patient and her husband on the aeromedical flight, Mr and Mrs Currall; the doctor; and the nurse, Karen Casey—have had their lives permanently affected. Their suffering has been significant—in particular, Ms Casey, who cannot go back to her work as a nurse. They all deserve better. The Canadian TSB needs to be given carte blanche to examine papers, to interview witnesses and interested parties, and to release its report to the public. The fact that it has not done so to date concerns me greatly. There has been more than enough pushed under the carpet in this case. My fear is that the Canadian TSB may unwittingly be involved in what could end up being a whitewash on behalf of the ATSB.

It is time to accept the mistakes that have been made, because without accepting those mistakes we cannot learn; and, if we cannot learn, then we cannot change, and that would be a tragedy in every sense of the word. No lives were lost in the Pel-Air incident due to the great skill of the pilot and some good luck. But unless these systemic issues—a lack of transparency, a lack of regulatory oversight, a desire to protect instead of expose—are addressed we cannot guarantee that no lives will be lost in the future, and that would be the greatest tragedy of all.

**Forced Adoption**

Senator MOORE (Queensland) (19:52): About four years ago, I had a meeting in my office with three amazing women: Marg Hamilton, Jan Kashin and Therese Hawken. They came to see me because they were part of an organisation in Brisbane called Adoption Loss Adult Support, ALAS. They had been working together since 1989, when they formed ALAS as a group of women who had experienced the forced adoption process. ALAS is very proudly self-funded and voluntary and provides a safe environment for mothers and adoptees to meet and talk about their experiences, their issues, their grief and how to lobby every politician on this earth to make sure we understand what their needs are and what they want from us. I have to admit, when I first met them, I was at a loss to understand a lot of the issues they came to me with because I could not believe what they were telling me. They laugh with me now—because I am very proud to say that we have become mates—because they said they walked away from that meeting and they were not sure whether they had got me; I have assured them that they had indeed got me!

They told me about their own experiences when they were young women of having literally just given birth to babies that were then taken away from them. Jan Kashin, who is an amazingly gifted artist, brought along a couple of books that she had self-produced with some of her art work, which is truly frightening. The art work is passionate, it is confronting and it reflects true pain and agony. Marg Hamilton had been involved for a number of years and she was completely dedicated to ensuring that what had happened to her would not happen to anyone else. Therese Hawken, who came from the Sunshine Coast, was really concerned.
because she felt that what had happened to her was continuing through the generations and that other families were now also experiencing loss when children were removed from their care for various reasons but without effective support to see whether those families in fact could be rebuilt rather than separated. These women are persistent. They did not leave my office until they had arranged a follow-up appointment to see what was going on in our local community and also what was happening interstate. Indeed, there was great movement in that year, 2009.

Through the work of ALAS, focused mainly on the Brisbane region, they had met with a wonderful man at the Royal Brisbane Women's Hospital, which is one of the largest hospitals in Queensland and has a history of providing services to women from all over the state. A few of the women involved with ALAS had actually had their children at that hospital, and that place had come to be a symbol of all their pain and loss and anger. Professor Ian Jones was the head of obstetric medicine at Royal Brisbane Women's Hospital in 2009. He met with the ALAS women and he acknowledged that what they were saying was real and true. As a result of their ongoing pressure and their absolutely resilient activity to ensure that people heard what they were saying, the first formal apology from any medical area in Australia was given to these women in 2009. On 10 June that year, they had an apology provided to them from the Royal Brisbane Women's Hospital. Professor Jones said to them:

On behalf of the hospital in recognition of the suffering and pain you have gone through for so many years I would like to offer you this letter of apology and to wish you the best for the future and hope you will gain a lot from the counsel you are about to receive.

Thank you very much.

That was to all the members of the Adoption Loss Adult Support group. A relationship was established between the women who had gone to see the people at the hospital and Professor Jones and his team. I was really pleased to meet with Professor Jones. He has an amazing strength—something you often find in doctors who practise in the obstetrics field; they have compassion and strength. But he also has a very strong character and determination. I said to him, 'We have had attempts at apologies all over the country now, Professor Jones, and there seems to be a great problem in getting organisations and authorities prepared to say that they are sorry and to acknowledge that things had gone wrong in the past.' He looked at me and said, 'Maybe they just have to do it, Claire; they just have to do it.' So the Royal Brisbane Women's Hospital, working with the ALAS women, showed so many that they 'just had to do it'. When you hear the truth, when you hear the pain, when you know that the actions that occurred were wrong, there is no option: you just have to do it.

Armed with the success of the work they had done with the Royal Brisbane Women's Hospital—I think, mainly due to the work of Professor Jones—the women then joined a national alliance of women all over the country who had experienced similar things and who wanted an apology from their government for the pain and the hurt they had experienced, and the practices and the laws that allowed their children to be stolen from them. They formed Apology Alliance Australia. The Senate Community Affairs References Committee was privileged to meet so many of these women, their families, their friends and their supporters who came to give evidence to our inquiry into forced adoption in Australia. The experiences that the women who came to see me had shared in their visit were then extended to our committee, to the people who looked at our website and to the wider parliament. I think you
may remember, Mr Acting Deputy President Fawcett, the atmosphere in this place on the day that we brought down our community affairs inquiry report. It was electric. There was a very special feeling. There was love in this place. There was power in this place. The apology from the people who had had the privilege to work with them meant so much.

Many of the senators are on our committee. We work so well together that we often have similar reactions. One of the problems is that when we are talking about a report about which we care so passionately we all want to say the same thing; we all want to tell the same story. So it tends to be a bit of a therapy group for us. We all spoke about one particular woman. She said, and I quoted it on the day, 'I just want to make sure that my child knows that I loved her, that I did not give her away'. It was a special relationship that we had with these mothers and carers who had lost their children—the women of ALAS, as well as the other women across this country. And also the men: many of the fathers had experienced the same loss and some of them were not even made aware that they were fathers at the time.

But we said that it would not just be our community affairs committee and the Senate that would make an apology; the No. 1 recommendation out of that inquiry was that there would be a national apology, which then occurred here in this building almost 12 months ago—the anniversary is coming up. So there will again be an opportunity for the people across this country to stop and acknowledge that the pain was real, that the people told the truth and that there is a genuine fear that this horror could happen again.

As we move towards the apology anniversary, I want to again thank the women of ALAS, including Trish Large, who has come to meet with me again many times in Brisbane. Without the women who demanded this apology, our parliament would not have had the strength and the knowledge to apologise. I want to acknowledge the hard work and the welcome they have given me—I am almost an honorary member of ALAS now! They will not let me forget, because this issue cannot be forgotten. They, with many other people in this community, were strong enough to give us the ability to acknowledge what was wrong—we as a community and governments at every level—to allow actions, to allow horrors to occur to women and their children that people just did not know were occurring.

We need women like the women of ALAS, because not only do they hold their parliament to account but they provide valuable support to so many people who are sharing in their pain. Every couple of months another woman comes forward, and ALAS is there for her.

Kangaroos

Senator BOSWELL (Queensland) (20:02): I speak today in response to a speech in this place on February 11 by Senator Rhiannon, from the Greens. Senator Rhiannon's speech was about kangaroos and, in particular, about kangaroo harvesting. The impression someone who knows little or nothing about this subject would take away from Senator Rhiannon's speech is that kangaroos are heading for extinction because of commercial harvesting. In fact, nothing is further from the truth.

There are many issues on which I would not agree with Senator Rhiannon. She does not want any coal to be mined or for any coal to be exported to China, for starters. She promotes vegetarianism, opposes live cattle exports and supports direct protest action against mining. She also holds views on a wide range of other issues—such as her opposition to Israel, fondness for the old Soviet Union and an interest in radical socialism—that are diametrically
opposed to mine. In Senator Rhiannon's ideal world, we would be eating just vegetables, fruit and grains—and, of course, swallowing supplements to obtain the essential micronutrients that meat provides. However, the real world is hungry for red meat. It is an amazing food and we were meant to eat it—and that is as true of kangaroo as it is of beef or lamb or goat.

Kangaroo meat has helped provide Australians with a healthy, nutritious diet for more than 50,000 years. It is still doing so today. In its kangaroos, Australia has a self-replenishing resource of superbly healthy red meat. We must not let it go to waste. By harvesting this resource in sensible, well-managed numbers—the way it happens now—we can sustain both the physical health of the meat eaters here and overseas and the economic health of communities throughout rural Australia that rely on the kangaroo industry, including the graziers, who rely on the culling of kangaroos so that they do not eat the grazing lands out for cattle and sheep.

Surely you would have to be an unreformed old ideologue to oppose a win-win outcome like that. Yet Senator Rhiannon would end kangaroo harvesting tomorrow, given the chance. She opposed kangaroo harvesting during her time in the New South Wales parliament and has continued the same campaign since her election to this place in 2010.

Anyone driving on a country road anywhere in Australia could tell Senator Rhiannon that kangaroo populations are healthy, at least along our roadways. Insurance claims show that in the year 2009, in just the three states of Queensland, New South Wales and Western Australia, there were over 15,000 accidents involving kangaroos that required repairs to vehicles. That is 300 a week, or more than 40 every day. Do not try to tell country drivers that kangaroos are rare, Senator Rhiannon. They have the evidence of their own eyes to dispute that.

Despite her dire warnings and predictions, kangaroo numbers across the country remain healthy. In fact, in the time she has been a member of the Senate, kangaroo numbers appear to have increased by well over 40 per cent. However, I will not make too much of that fact, because kangaroo numbers do fluctuate considerably in response to rainfall and other seasonal conditions—as Senator Rhiannon well knows but apparently chooses to ignore in her public statements on this matter.

Very early on in her speech of 11 February Senator Rhiannon said:

From 2001 to 2011, collated national population estimates across commercial hunting zones in the four mainland States recorded a 40 per cent drop ...

A 40 per cent fall in kangaroo numbers in just 10 years sounds alarming, doesn't it? I will come back to this issue shortly. However, Senator Rhiannon continued, in relation to this 40 per cent drop:

We need to ask why this is not an issue of concern. Maybe it is because there were still an estimated 34 million in 2011. But this is down from 57 million in 2001, according to the department's own collated figures.

The federal Department of the Environment—as the then Department of Sustainability, Environment, Water, Population and Communities—published a report on kangaroo harvesting in April 2013. It shows population estimates for the areas in which kangaroos are harvested in Queensland, New South Wales, South Australia and Western Australia. It covers
the four species of large kangaroos involved: the red kangaroo, western grey kangaroo, eastern grey kangaroo and wallaroo.

The report shows there were an estimated 57 million kangaroos in total in those areas in 2001. However, the annual figures presented by the Department of the Environment go back to 1999. So why did Senator Rhiannon select the 2001 figure as her starting point? Obviously because 2001 was an exceptional year for kangaroo numbers thanks to ideal seasonal conditions with respect to water and grass. If she had been wanting to present the worst possible case, making kangaroo population figures look as bad as possible, then 2001 was the place to start.

The population estimate for 1999, for example, was around 41 million; for 2000, 49 million; for 2001, 57 million; for 2002, 44 million; and for 2003, 28 million. Kangaroo numbers do fluctuate considerably from year to year in response to seasonal conditions. Like so many other species of Australian wildlife, kangaroos respond to the cycles of flood and drought, of boom and bust.

Even including the exceptional 2001 population figure of 57 million, the kangaroo population shown in the annual Department of the Environment figures for the years 1999 to 2012 averages around 33 million. The 2012 population total is almost 36 million, higher than average—and, in fact, the highest figure since 2002. Of course, that figure of 36 million is some one-and-a-half times the human population of Australia and higher than the cattle population in Australia of some 28 million head. So it is very sizeable figure—and, remember, that is just the kangaroo population in those regions of four states where kangaroos are harvested; it is not the actual total population of kangaroos and wallabies throughout the entire continent, which of course would be considerably higher.

I also looked at figures published in October 2012 by the Queensland Department of Environment and Heritage Protection in a report *Queensland Wildlife Trade Management Plan for Export—Commercially Harvested Macropods 2013-17*. What the Queensland figures also show is an exceptional spike in kangaroo numbers, largely thanks to a boom in eastern grey kangaroos, in the year 2001. In fact, the numbers began increasing sharply in around 1997-98 and had fallen back to more typical levels by 2003-04.

However, the Queensland figures go back further than the figures in the report from the federal Department of the Environment. Rather than going back to only 1999, the Queensland figures go back as far as 1992, showing the fluctuations in kangaroo numbers in Queensland year-by-year for a 20-year period. In 1992 the total population of the three large kangaroo species in Queensland was a little over 15 million. For 14 of the 20 years from 1992 to 2011 kangaroo numbers fluctuated somewhere around 10 million to 15 million. The lowest figure was just under 10 million in 1995. In 2011, the population was just over 20 million.

So, just as with the national figures, the Queensland population figures show the current numbers are running at better than average. All the figures point to a healthy kangaroo population. That is a far cry from the perception that Senator Rhiannon is trying to present. Let me repeat: the population estimates, both long term and short term, all indicate a very healthy, very sustainable kangaroo population in Australia.
Of course one way to cover the fact that all the population estimates point to a very healthy situation for kangaroos is to criticise the way the estimates are calculated. Sure enough, that is one of Senator Rhiannon's early targets in her speech. This is part of what she said:

Current analysis of the survey methodology and raw data is now suggesting systematic and massive inflation of kangaroo numbers, from which corresponding excessively inflated commercial shooting quotas are extracted—so that larger numbers may be shot from shrinking populations.

As indicated there, population estimates for the main kangaroo species are used to establish harvest quotas for the various regions in each of the four harvesting states each year. That is done so that kangaroos can be harvested in a completely sustainable way. The kangaroo harvest is very well managed and has been for very many decades. For example, in Queensland, the commercial harvest of kangaroos has been monitored since 1952.

Senator Rhiannon has accused the responsible agencies of a 'systematic and massive inflation of kangaroo numbers' so that 'excessively inflated commercial shooting quotas' can be allocated. That is an obvious nonsense and a gross insult to the departmental officers involved. Does Senator Rhiannon really believe that professional staff from agencies like the federal Department of the Environment and the Queensland Department of Environment and Heritage Protection would really allow inflated figures to be used in these calculations? Of course they wouldn't. That statement alone demands an apology from Senator Rhiannon to the highly qualified, hardworking and professional staff involved in management of kangaroo numbers.

How kangaroos are managed and the way the harvest quota is set by the four state governments and the Commonwealth government are clearly set out in a fact sheet available on the website of the Department of the Environment called 'The Commercial Kangaroo Harvesting Fact Sheet'. Detailed management plans are also published by the four state governments involved. This is a very transparent process. Based on quotas determined by wildlife management experts and various government agencies, a number of tags are issued to a licensed kangaroo shooter. No kangaroo can be harvested without one of these tags attached to it. Issuing a limited number of tags ensures no more than that number of kangaroos can be harvested, sent to the abattoirs, or sold for skins.

Senator Rhiannon describes kangaroo harvesting as the world's largest commercial slaughter of land based wildlife—a phrase she borrows from organisations like Animals Australia, Voiceless, and the World League for Protection of Animals. By contrast, the Department of the Environment says that the commercial kangaroo harvest industry in Australia is one of the world's best practise wild harvest operations, with management goals based on firm principles of sustainability.

All of the four species subject to commercial harvesting—that is red kangaroos, eastern grey kangaroos, western grey kangaroos, and wallaroos—are common, and none is listed as a threatened species. Products derived from kangaroos include meat for human consumption and skins for leather products—some skins and meat are used domestically, while the remainder is exported to more than 55 countries.

The scientific community and the state wildlife management agencies consider that annual harvest levels in the order of 15 per cent of the population of grey kangaroos and wallaroos, and 20 per cent of red kangaroos, are sustainable. The sustainable harvest quotas are set at or below these rates, and represent an upper limit on the harvest, independent of industry
demand. To ensure there is no detriment to any species in any region, each state is divided into zones for monitoring and quota setting. There are checks and double-checks to ensure that kangaroo populations are sustained at appropriate levels.

Senator Rhiannon, who is opposed to kangaroo harvesting on philosophical grounds, searches for reasons to try to justify opposing these harvests. She should have the honesty to say she is opposed to kangaroo harvesting because she is opposed to animals being killed for human use, or that she does not want people to eat meat. Do not attack the professionalism and integrity of countless wildlife management experts across the continent. It just does not stack up. In her speech, Senator Rhiannon relies on a submission to the New South Wales government by a private individual, Mr Raymond Mjadwesch. He wants kangaroos to be listed as a threatened species under the New South Wales Threatened Species Conservation Act. At least six times in her speech Senator Rhiannon refers to what she calls a 'nomination' of kangaroos as a threatened species. In fact, it is a submission by a single individual and in no way has the force of official nomination as she seems to suggest. She complains in her speech that more than two years after the submission was made the New South Wales government has not acted on it. Of course, that could be in part because it is an individual submission, uninvited, and perhaps does not warrant any action by the relevant New South Wales authorities.

Mr Mjadwesch is something of a serial protester against kangaroo harvesting and control. He protested the culling of kangaroos on Mount Panorama, Bathurst, before the 2009 Bathurst 1000 motor car race. A video explaining his reasons for that protest is available on YouTube. The link is on my website for those who would like to know more about his arguments.

He also lodged a formal protest against a decision by the ACT government last year to cull some 1,200 kangaroos. The cull was needed to protect biodiversity in seven nature reserves in the ACT and stop the kangaroos eating themselves into starvation, because there were simply too many kangaroos in the reserves. Mr Mjadwesch gave evidence in a hearing before the ACT Civil and Administrative Tribunal, but his evidence was overruled in favour of expert evidence and the kangaroo cull went ahead as planned. It should be noted that the ACT Minister for Territory and Municipal Services, who authorised and oversaw the culling of these 1,200 kangaroos, is MLA Shane Rattenbury, a member of Senator Rhiannon's own Greens Party. It is noteworthy that her irrational opposition to kangaroo control and harvesting is not even shared by everyone in her own party, let alone the broader community.

Let me repeat: kangaroos are harvested sustainably. They provide healthy red-meat protein and represent a valuable resource that must not be allowed to go to waste.

Abbott Government

Senator SINGH (Tasmania) (20:20): Since the election of the new Abbott government in September last year, I have met with a number of concerned individuals and groups in civil society, each with very important issues that are being ignored and/or being exacerbated by the new coalition government. Tonight I would like to highlight an issue that touches the very heart of what the current Abbott government stands for. It shows a lack of compassion and understanding—these are absent completely from their actions.

Immigration has been a long-debated issue in this parliament and there is no easy fix to it. But the attitude of the current Abbott government's policy lacks basic humanity, compassion
and accountability. It is creating animosity with our neighbours and it is treating communities as pawns for political gain. The tensions between Indonesia and Australia continue to rise as Operation Sovereign Borders pushes literal borders. The failure of the government to fulfil key promises made to Papua New Guinea, making them again a political pawn in their immigration policy, continues also.

In particular, the treatment of asylum seekers has lacked dignity and there has been no ownership of the issue by this government. Instead they hide it under a veil of secrecy and a lack of transparency—not providing the public with any clear answers. Minister Morrison stooped to an all-time low when, on 19 December last year, he issued a new direction under section 499 of the Migration Act. His new direction 62, to be applied retrospectively, seeks to create a second class of resident in Australia—a resident who, despite being found to be a genuine refugee and despite successfully adhering to the rules and the regulations in place, will be unable to sponsor family members in coming to Australia. The minister's direction to the Department of Immigration and Border Protection instructed staff to accord the lowest possible priority to the processing of family stream visa applications for people who have arrived by boat in Australia.

I am not questioning the right of the minister to issue the direction, but I do question why such a directive is needed. If the intention is to deter people arriving by boat in Australia, then why apply the direction retrospectively to people who are already here? Why punish people who have already become permanent residents? In an unnecessarily cruel letter sent to applicants, they are informed that, if they are deemed to be an illegal maritime arrival, the lowest priority will apply to all family stream applications. It goes on to state that the visa application would not be processed for a number of years and is unlikely to be successful. This applies even where families face compelling and compassionate circumstances such as persecution on the basis of their religion, sexuality and race in their country of origin.

This is a directive that has been applied to sponsors who are already permanent residents wanting to sponsor their family to come to Australia. They are not asking for any monetary support from government. They are working hard in Australia, raising funds to sponsor their family to come and join them here in Australia to help rebuild their lives. These residents contribute to the Australian community. They work and they engage, yet this government seeks to curtail their rights. They are not seeking a free ride; they are paying to sponsor their family to come to Australia. They have already started their application process. They had already received letters from the Department of Immigration and Border Protection alerting them to the fact that their application was in train only to receive this direction 62 saying something completely opposite.

Penalising those in our community who have proven their legitimate claims is simply abhorrent and wrong. It is an unprecedented attack on the integrity of the treatment of individuals in Australia. It is absolutely cruel and it is inhumane. The concept of fairness underpins the processing of asylum seekers in Australia, so is it fair to retrospectively penalise legitimate refugees after they have been granted permanent residency? I do not think so. Is it fair to penalise someone, because of their method of arrival, for the rest of their life here in Australia? Is it fair to undermine a system which is based on merit and legitimate procedures? Quite simply, it is not fair. It is not taking ownership of the refugee issue. It is another example of the incompetence of the minister and the cruelty in applying a directive.
retrospectively to permanent residents living in this country who have already started the process of bringing their family to join them to help rebuild their lives.

Unfortunately this lack of ownership extends to the running of the Manus Island detention centre that we have become all too familiar with in recent weeks. In Senate estimates I raised the issue of unaccompanied minors being detained on Manus Island. It has become increasingly apparent that the age verification process is inadequate and that we are failing minors by putting them in vulnerable situations by them going to Manus Island. The minister himself has said that Manus Island is an inappropriate place for unaccompanied minors and children.

The Amnesty International report which was released in December last year identified at least three detainees at the Manus Island Regional Processing Centre as children under the age of 18, and they spoke to at least three other detained asylum seekers who gave their ages as between 15 and 17. Age assessment, understandably, is not straightforward for many reasons. There could be lost documentation, false claims of adulthood or inadequate assessment processes. Because of these factors, minors are at risk of being assessed as adults and treated as such, and that is something that the department and the minister need to take very seriously. Christmas Island assessments are done too rapidly. They are done in a 48-hour turnaround and they are difficult to have reassessed once an asylum seeker has already arrived on Manus Island, where there is no assessment of age for them to be processed by.

However, today even more information has emerged to question the age verification process. In an article in The Guardian today, it has been revealed through leaked notes that 14 asylum seekers on Manus Island claimed, between November and January this year, that they were unaccompanied minors. The document contains details of every asylum seeker on Manus Island who has raised claims of being a child. It also contains worrying indications that many asylum seekers are transferred to Manus Island without having their ages properly verified. This goes to the heart of the issue of the age assessment process that is conducted on Christmas Island.

I will share one of the case notes in this article from The Guardian article. It says:

M states that he told Immigration at Christmas Island he was 16 years old and that they sent him here because he couldn't provide the necessary documentation. How can you expect an unaccompanied minor who after fleeing persecution has arrived here seeking asylum to have an original birth certificate on hand? They are displaced and are simply not going to have a nice, formal copy of their birth certificate. It is simply ridiculous for the department to expect them to have that and, without such necessary documentation, to make the call to send them to Manus Island—a place, by the way, that Minister Morrison has said is an inappropriate place for children to be sent.

Professor Mary Crock is an expert in policy on unaccompanied minors and she has been very shocked by this but has also raised the issue of psychosocial cognitive testing to be used when it comes to age assessment. This is used to determine the ages of young asylum seekers. But she has said that these tests are not being used properly on Christmas Island. I would think such psychosocial cognitive testing would provide a better outcome when determining the age of young people seeking asylum than simply asking them if they have an original copy of their birth certificate or any other documentation.
If Minister Morrison is serious when he says Manus Island is an inappropriate place for children to be sent, what is he going to do to ensure the necessary age assessment processes are in place to avoid any more children being sent to Manus Island in the future? This report today on the leaked notes that The Guardian has put forward is alarming. It is alarming to know that there were up to 14 children on Manus Island. I only hope that there were no children on Manus Island at the time of the recent riot. I know that Minister Morrison maintains there are no unaccompanied minors on Manus and that there were not any on Manus during the unrest, but the question is: how does he actually know that if the age assessment process carried out was (a) of an ad hoc nature (b) undertaken with a 48-hour turnaround and (c) not done as thoroughly as it probably should have been, using a psychosocial cognitive testing process that Professor Crock has pointed to as the best way forward?

These are really significant issues that have been raised today. They are just another example of the fact that this minister is simply incompetent in dealing with the guardianship of young people seeking asylum in this country and in dealing with the handling of the Manus Island detention facility in total. He needs to come clean and provide both the public and the parliament with a clear understanding of the way forward when it comes to dealing with asylum seekers in offshore detention facilities, because his record to date is pretty poor, let alone the ongoing punitive measures that he has put in place through direction 62, which I referred to earlier. It is a punitive measure that is punishing people who are now part of our community. They have been granted refugee status, they are permanent residents and they have the right to settle and live a productive life in our country and to contribute to our country with the opportunity of their family joining them to live with them, just like we all live with our families. I think it is very cruel, I think it is inhumane and I think it is something that should definitely be looked at to be reversed or at least not applied retrospectively to those who are already living here.

**Thebarton Senior College**

**Time for Kids**

**Youth Connections**

Senator WRIGHT (South Australia) (20:34): One of the best things about my job is the people I get to meet and the places I get to visit. Today I have the very pleasant task of talking about three South Australian organisations I have had the privilege of visiting in the past three months. As well as doing fascinating work, they left me feeling optimistic about the decency and strength of civil society in Australia. I believe we are all enriched by that.

Let me tell you, first of all, about Thebarton Senior College. It is tucked away in Adelaide's western suburbs where it is a beacon of hope for many people. Students aged between 16 and 60 come to this special place from far and wide—literally—hailing from 30 different countries at the last count as well as locally. Thebarton is a case study in inclusiveness, peace and harmony. Whether students want to obtain the South Australian Certificate of Education, complete a vocational or other tertiary pathway or attend school for the first time ever and learn English, Thebarton has a commitment to lifelong learning in an environment of cooperation, peace and harmony.
When you visit Thebarton Senior College—and I had the privilege of doing that recently—you quickly see that community and respect for others is at the absolute centre of what the place is about. In the library I saw a young woman in a hijab working beside a middle-aged man from China. In the yard I saw clusters of students in traditional dress and from a variety of cultural backgrounds laughing and talking together.

Peace is also an ever-present ethic in the school, with paper crane mobiles hung in the corridors and signs featuring doves and other peaceful imagery on classroom doors. It is a very important concept for students who have often experienced conflict, violence and trauma before making their way to the haven that they see that Australia is. In 2007, Thebarton Senior College became the first secondary school in Australia to become a United Nations Global Peace School. So learning about human rights, peace building and restorative practices is embedded throughout the curriculum.

I recently visited Thebarton Senior College because they are experiencing significant funding uncertainty after the federal funding for their New Arrivals Program for adults was cut last year by the previous government. To their credit, the South Australian state government stepped in to cover this funding shortfall. But, unfortunately, there has been no commitment to ongoing funding for the program in 2014. I met with the principal, Kim Hebenstreit, and assistant principals from Thebarton to discuss this unique program and to better understand what it has meant for the lives of many refugees and new arrivals to our country, most of whom are not allowed to work. It is a comprehensive, intensive English language immersion program for new arrivals to Australia which aims to prepare students for living and working in the community and then, in some cases, for pursuing further study. There is a focus on cultural interaction and understanding as well as academic achievement. It is unique in Australia. The principal, Kim, told me that the course became so popular that people from interstate were coming directly from the airport to enrol with their boarding passes in their hands.

Sadly, without a commitment for either state or federal funding in 2014, the 318 students who were enrolled in the program last year have been unable to continue their studies. These former students are living in the community, but now do not have anything to do, given that they are unable to work at this stage. Some of those who were enrolled were poised to enter year 12 in 2014. Many are skilled workers, such as the diesel mechanic from Europe and the petrochemical engineer from Iran, who desperately want the chance to contribute in Australia. Attending Thebarton, they were developing their English language skills in preparation for the time when they will be permitted to work. Afghan women also attend Thebarton. Some are mothers who have never learnt to read or write—they have never had the opportunity to go to school in their own homeland. They are now learning literacy and numeracy skills for the first time, their lives enriched by the chance to learn in a safe and caring environment. They will also be able to pass on their education—and the advantages of that—to their children, thus spreading the benefit. What a waste of potential if any one of these students were to become socially isolated due to a lack of English language skills or were not to be able to pursue their hunger for learning and development.

The shining light for the dedicated teachers and staff of Thebarton is the way the Adelaide community has come together to support this wonderful and unique New Arrivals Program until such time as funding can be restored. After a call-out, the school has at least 50 qualified
and generous ESL—English as a second language—professionals who are willing to volunteer their time. The result is that some students will be able to access six hours of ESL teaching per week outside of school hours, with the premises being available once the ordinary subjects and schooling has finished. Obviously, it is not the same as the former comprehensive program, which aimed to prepare students for living and working in the Australian community and for further study. But it does offer a ray of hope for those students who were bereft that they could not continue to attend the village that is Thebarton Senior College. To me, it is a heart-warming example of just how kind many Australians are and what a welcoming generous country we can be at heart.

To run the program through to completion for the students enrolled as of December 2013 will require $3 million. The South Australian government has yet to clarify if any further funding will be forthcoming. The principal of the college, Kim Hebenstreit, has said that it is the most inclusive and harmonious school environment that he has ever encountered in almost 40 years of teaching. The students of Thebarton are highly motivated individuals who have much to offer our community. The vast bulk of these students will live and work in South Australia. Even from a social cohesion perspective, it is far better if new arrivals are proficient in English and can participate fully within our broader community. There is currently a community run petition, directed to both the South Australian government and the opposition in the lead-up to the South Australian election in two weeks, calling for reinstatement of the funding that is needed to ensure the completion of the education of the 318 people who were enrolled in December.

I will now turn to another two South Australian organisations that are doing wonderful things to expand opportunities for South Australian young people who have been dealt a pretty tough hand in life. The first of these is Time for Kids. It is a non-profit organisation fostering lifelong links between children or youth from disadvantaged backgrounds and nurturing second families. They take children who are as young as 18 months and match them with suitable families and mentors. These families often provide short stay respite care to give these children a break and a chance to have new experiences, new learning and opportunities that normally would not come their way. In the words of the CEO of Time for Kids, Jennifer Duncan, 'Time for Kids pairs people who are equipped to navigate the system with those who are often victims of the system.'

In 2009, Time for Kids won a national crime and violence prevention award from the federal government and the Australian Institute of Criminology in recognition of the impact of their program in eliminating youth offending. As Flinders University Professor, Mark Halsey, said in evaluating the program, 'Not every child who has a tough time at home does badly at school, becomes violent, abuses drugs and alcohol and become socially withdrawn or commits crime. Similarly, not every child who ends up in permanent government foster care has a troubled life, but there is ample evidence to demonstrate that these are common factors associated with young people who are repeatedly incarcerated.' Since 1960, Time for Kids has assisted more than 4,800 South Australian children, either through respite care or through mentoring arrangements. But it is unique, because the volunteers are not paid or reimbursed for any of the work they do—it is totally altruistic and totally voluntary. For many kids who are born into backgrounds of disadvantage, many of the adults they meet—social workers or others—are professionally nice. Helping these kids is part of their work, part of their job. So it
creates an amazing confidence boost to these young people when they learn that someone wants to spend time with them for free—for fun. Kids know the people who spend time with them through Time for Kids are there because they want to be. That does wonderful things for the self-esteem of these children and their sense of being valued.

Here is Matthew's story. Matthew's largely absent father battled with a severe mental illness while his mother, alone, did the best she could to support Matthew and his six brothers and sisters. There is a beautiful book that has been compiled by Time for Kids, and Matthew's story is in that. I take his story from that book. Matthew says:

Most people take it for granted that we all make choices. The only difference, they say, is that some people make good choices and others don't. But I believe there are people who just do things. They don't make choices at all because they don't think they have any choice. That's probably how I'd have been if I hadn't met my 'other family'.

He goes on:

Without Sarah, Greg and Ben, I know that as a child, and maybe even as an adult, I would never have camped under the stars, cooked marshmallows over the fire, caught my first fish, ridden on the cockle train or trekked around Granite Island.

He says:

It was the day-to-day activities that influenced my life the most. It was far more than just a break for me.

I saw the world in a different light just from spending time with them. They didn't go out of their way to do anything special. They were just there, being themselves, doing what they always did.

With the support of his birth family and his support family, Matthew finished high school and went off to university—the only one of his siblings to do so. He completed a social work degree and is now working in India with children in poverty.

Over decades, Time for Kids has helped thousands of children like Matthew. To their knowledge, not one of those children has come before the courts while they were in the Time for Kids program. Time for Kids can be immensely proud of the work they have done for more than five decades in fostering caring, mentoring relationships to expand the horizons of those youth who might be at risk.

The second organisation I am going to talk about is connected with Youth Connections. It is Employment Options, based in Mount Barker and Victor Harbor. This organisation re-engages disadvantaged and disconnected young people with school, training or work. Each year it helps 1,700 South Australian young people to get back into education or employment.

Many of the young people seen by the manager, John Coates, and his team, are kids who have been out of school and work for several months. In some cases, these young people have ongoing challenges to their mental health or have been victims of bullying at school. Others simply lack the basic life skills they will need to get a job. By the time some of these children are referred to Youth Connections, they have been disengaged from social settings for some time and can be anxious and withdrawn.

Too often, our tendency with disengaged young people is to take punitive measures, rather than practical ones. But the truth is that a big stick will not get children who have these sorts of challenges back to school. The beauty of the Youth Connections program is that it is
tailored to need, so youth can stay a short time or as long as it takes. There is a flexibility with it.

The team teach everything, from the basic skills of shopping or opening a bank account to managing physical and mental health as well as more targeted workplace skills. The dedicated team do a wonderful job of providing a safe space—and that is a really important concept here—where these young people feel welcome and safe to interact and develop with the staff and with each other. With pizza lunches and space for video games, the centre often operates like a family lounge room. But it is not just fun and games; this social interaction is a serious business for isolated teenagers. And it works! That is the good news. A recent study showed that one year after exiting Youth Connections, 94 per cent of these youth were still in education or employment and, two years later, 81 per cent were still learning or earning.

The Youth Connections team are so well loved by their clients, and so well-respected by the local young people, that many referrals come from the teams themselves or close friends. I want to share one moving story with you—almost too good to be true—that I heard about when I visited Youth Connections. This is the story of a young girl who was referred by Centrelink. She had very significant mental health issues. She had been involved with the Child and Adolescent Mental Health Services for a long time, and she was ultimately diagnosed with borderline personality disorder. She was, at times, extraordinarily depressed and she had engaged in self-harming. She had been in and out of hospital. She had been at several schools and she was bullied at all of them. In fact, she went to a religious school and they performed an exorcism on her.

She was kicked out of the last school, before she got to Youth Connections, because she took a knife to school. Because of her diagnosis of borderline personality disorder many services were just not available to her. They would not deal with her. I learnt from the manager, John Coates, and the team at Youth Connections, that after 18 months of patient work this young woman was feeling much safer. She was doing extraordinarily well, given that history. She had become involved with a crime prevention program with the police. The police were described by John as being absolutely fantastic. There had been some occasions when she had slipped backwards and there had been some tricky behaviour, so they checked in very regularly with her.

As a result of her good experiences with the police she is now engaged in a justice studies course—she had gone on and done some literacy and numeracy at TAFE—and she is engaging other services. She is having work experience and she is settling down. She has recently moved out of home.

Another client, a 19-year-old man, had a serious case of social withdrawal. When he first came to Youth Connections he would not engage with anyone. He would not speak; he would not engage. When his mother was not there—he left—he was extremely shy and would sit quietly in a corner and not say anything for periods of time. The organisation assisted him with a 10-week life-skills course. He began to interact with the other young people at the service and he now initiates conversation. They have described him as feeling so safe in the service that he acts as if he actually owns the place.

Unfortunately, the Commonwealth component of Youth Connections funding runs out at the end of this year and there is no guarantee that it will be extended. I have written to the Minister for Education, Christopher Pyne, urging him to renew the funding so that the
wonderful work of Youth Connections can continue—because, actually, it is a huge investment. The alternative is unthinkable for some of these young people. They will be condemned to a life of social isolation. They will have extreme difficulty ever being able to engage in the meaningful work that is so important for all of us and our self-esteem and sense of worth. It is crucial we do not leave struggling or challenging youth behind but continue to connect them with inspiring services with a strong track record, evaluated like the Youth Connections group.

In conclusion, I am lucky. I think I have a very fortunate job being able to meet people like this, poke my nose into their business and often be welcomed to do so, where they will share their endeavours, their success stories and their challenges with me. It makes me very proud to be a South Australian knowing there are so many dedicated and passionate people working in my state for good in so many ways. I am privileged to have met these organisations and I will do all I can to support them to continue to thrive into the future.

Manufacturing

Senator BOYCE (Queensland) (20:53): I think we have all heard, over and over again, the catchcry that manufacturing in Australia is in crisis. I would like to suggest to everyone here that in fact it is not in crisis at all; it is under stress, but it has been in gradual decline for more than 40 years, and I think that is what we have to deal with and get used to. There is certainly more happening in the manufacturing sector with its shrinkage right now than there has been in the most recent past, but we are not talking about a new situation here. Manufacturing has been declining in Australia over at least the last 30 years. In 1990, 1.2 million people were employed in manufacturing in Australia. By 2000, just 10 years later, we were down to one million people working in manufacturing. Today it is closer to 900,000 and, as we all know, that number is continuing to shrink.

But I think, Mr Acting Deputy President Smith, you would agree with the comments made today by the Deputy Prime Minister around the fact that it is not just the headline grabbing—‘Jobs going’ and ‘Manufacturers closing’—that we should be concerned about. We might lose 5,000 jobs in one hit from one place, but we have had tens and tens of thousands of jobs disappear from smaller manufacturers, even Australian icons, over the past 30 years. It seems to me that Labor's view is that, unless there is a large union involved to let them know that there are jobs disappearing, they do not acknowledge that it has happened.

As a share of GDP, manufacturing in Australia has shrunk from more than 20 per cent in the 1970s down to eight per cent today. That is not just something that has happened with a few headline-grabbing closures; it has been a steady decline of manufacturers of all sizes. For a while we actually managed to maintain our output, but in the last few years even that has shrunk. Whilst this decline now seems acute, as I said, with shutdowns of motor vehicle production and the deterioration of iconic firms like SPC and Qantas, we need to put it into a context and not come up with crisis driven solutions but see it in a context of a decline that has been going on for well over 30 years.

The difficulties in car manufacturing have come into sharp focus, but I must admit that I have always been a little curious about our obsession with the car industry and supporting it in Australia. It has always seemed to me to be something of a case of boys and their toys. I have never understood why we are not as concerned with other industries. It was put to me at one stage that having a car-manufacturing industry was important for national security. On that
basis, I would have thought having a computer-manufacturing industry could have been considered quite important too, but we do not. It has been put to me that having a car-manufacturing industry was particularly important for innovation and because of all the downstream industries that hung off it. I think that is the case for any manufacturing industry at all. Speaking to a friend tonight, I was pleased to hear that we still make our own hot-water systems in Australia. I am sure that the companies involved do not sit there and knit their own lagging. I think there are plenty of downstream businesses and other manufacturers that rely on that sort of manufacturing as well.

The death knell, of course, for the car-manufacturing industry came when our third manufacturer, Toyota, announced that it was also going to exit Australia, along with Ford and GMH. Apart, as I said, from the direct job losses, thousands of other jobs will be at least under threat in companies that are currently component manufacturers, some of which currently rely completely and utterly on those three brands for all their work. I guess you would think that, as a manufacturer, you were probably fairly safe if you had all your eggs in three baskets. Unfortunately, they were all the same sort of basket—they were all car manufacturer baskets. I think it says something about the fact that not only the car industry but companies that were reliant on the car industry had perhaps become somewhat too comfortable if all their business relied completely on those three manufacturers. It suggests that they really had not done very much to manage the risk in their business if they relied completely and utterly on the car industry in Australia.

Of course, I cannot begin to understand what it must be like to be someone who works for one of those companies, with the need to reskill and, in some cases, perhaps even move yourself and your family to look for new work in a different sector. But I said—and I think I was misunderstood when I said it in this place some time ago—that I thought no job was preferable to an unsustainable job. What I meant by that was that, in most cases, people who lose their jobs are often jolted; they retrain and start to rethink the way they pursue their career.

All of us are somewhat averse to change. It can be too easy for any of us, including the people who worked for those car component manufacturers, to stay in a job because it is there, not because you are enjoying it, not because you see it as having a long-term future, but simply because it saves you from having to think about what else you might do in your future. I would hope sincerely that the majority of people who are affected by these closures ultimately come to see this change as an opportunity and not as a disaster for them.

SPC, Australia’s largest fruit processor and canner, has pledged to grow new markets and make new products that better suit what SPC refers to as the modern lifestyle. Dr Sharman Stone from the other place, who I think launched a very strong fight on behalf of SPC, said the other day that sales had almost doubled since the problems at SPC. Presumably that is not only because of the publicity but also because Australians do not want to see the last vestige of a local manufacturer disappear from the area.

I remember as a child that my mother would always buy an extra can of Golden Circle products. For those of you who do not have the benefit of living in Queensland, Golden Circle was a cooperative that canned primarily beetroot and pineapple. As a good Queensland child, you grew up with a strong influence of pineapple and beetroot in your diet, because it was the right thing to do in Queensland to support Golden Circle. I am sure we were not the only
family in Brisbane that had an extra can of beetroot or an extra can of pineapple at least once a week to do our bit for Golden Circle. Mr Acting Deputy President Smith, you might be not unsurprised to know that Golden Circle is now owned by a multinational company and in fact does very little manufacturing in Queensland.

Qantas are the latest addition; although they are not a manufacturer, they come within the gamut of supporting Australian jobs in Australia. By scrapping the Qantas Sale Act, getting rid of the barriers to foreign investment and freeing the flying kangaroo from its shackles, I think we are acknowledging what we have to do in the future, not just for Qantas but for all our industries. The companies I have been talking about are symbols of our past. They are a comfortable way of looking at things, but they ignore the reality of technological change and they ignore the reality of the world that we now compete within. Chris Berg in The Age recently argued that big factories are a symbol of Western prosperity. He said they are 'as much cultural icons as they are venues for production'.

I love a big factory as much as the next person—probably a lot more than the next person, in that I come from a manufacturing background and run large machines, one of which in fact is the biggest in the Southern Hemisphere. Whilst we need to protect our manufacturing, we also need to acknowledge what we are protecting and why we are protecting it, and we need to protect manufacturing in a sustainable way. Our role in the future may not be to assemble cars in Australia—in fact it absolutely will not be—but instead we could be designing cars or constructing high-value car components to be shipped offshore to places that build cars at a more competitive price than we do. We in Australia have to find new ways of doing business. Otherwise the recent closures of iconic industries and the problems in the manufacturing sector mean that we will be left behind.

The decline in Australian manufacturing does not have to be inexorable. As I said earlier, in the 1980s and 1990s manufacturing in Australia actually expanded and the proportion of our manufactured output that was exported increased. All of that growth was in elaborately transformed manufactures—the kinds of goods that require good, recent technology and a skilled workforce to produce. This growth in manufacturing was achieved through a combination of industry plans and deregulation of both the manufacturing and the banking sectors. The industry plans encouraged research, development, innovation, investment and exports—although in some cases they encouraged too much reliance on government-backed investment. The industry plans aimed to increase the scale of Australian manufacturing and to move us up the value chain to those high-return areas, the elaborately transformed manufactures that I was talking about before. A large part of the success of those manufacturing programs was due to floating the dollar and winding back tariffs. It is worth noting that the Australian dollar at that stage was actually worth US75c. As we all know, since the mining boom the dollar has gone above US90c and for a long time was above parity. It is almost impossible for Australian industries to compete when they have the handicap of the Australian dollar being 30 per cent above the US dollar in value.

Australia's wage structure seriously affects our ability to be competitive. Labour costs in Australia average $46 an hour. In the US they are $36 an hour and in China they are $3 an hour. No-one in their right mind would suggest that we want the sort of wage structure that China has, nor would anyone suggest that we should have some of the attitudes to workplace health and safety that China has. I have actually seen people in China wearing thongs and
shorts in a factory environment. I just cannot believe what would happen if some of the workplace health and safety officers whom I know here had seen that. It certainly would have caused serious problems for them and that is not what we want. We do not want to be like China, but we need to work smarter to ensure that we maintain our share of the manufacturing world.

One of the issues with the GFC and the high Australian dollar was that companies did not have the opportunity to borrow funds and the Reserve Bank has said that lending to smaller businesses dried up during and after the crisis. I was interested in a comment in today's Herald Sun. A thought that had not come to me before came from Mr Terry McCrann, who made the point that we continue to guarantee the debts of our banks but of no-one else, in the sense that during the GFC the Australian government guaranteed the bank deposits of Australians in Australian banks. It was one of the moves that certainly assisted us in remaining as strong as we did during the GFC, but you wonder now why this is continuing. Why do we continue to guarantee the bank deposits? The government are certainly not guaranteeing anyone else's debts or potential debts. So I think it is time that the banks are taken out of the equation.

With respect to manufacturer SPC, I must admit that I was surprised at some of the comments that were made by their parent company, Coca-Cola Amatil, regarding the plant and equipment that they had. But the point was that, despite having all the funds to reinvest, Coca-Cola Amatil could not see that there would be a sufficient return on their investment if they replaced the plant and equipment that was overdue for replacement. I think this is a big issue right through manufacturing in Australia. Since the GFC, as I said, there has been difficulty in borrowing money. Many small businesses have, in fact, gone to the wall. Very viable businesses have gone to the wall because they were not able to borrow when they needed it to upgrade plant and equipment or to make other purchases that they might need to keep themselves in business. So I think we need to examine the ability of these companies and their access to credit.

We currently have issues with the mining industry in that it is reaching a maturity and the cost of energy for all of manufacturing is a big problem. In terms of mining, we are coming to the end of the capital investment phase and, once we start to see only production happening, we will be seeing fewer people employed by the mines. Again, according to the Australia Institute, in 2011, more than 80 per cent of the profits from those mines will be going offshore to foreign owners.

We could argue that that is more than reasonable, given that most of the investment that led to the development of those mines came from offshore. I am certainly not arguing that we should be doing anything to stop those companies reaping the benefits, but that will not help us to employ more people in Australia. We need to think about the challenges that we face for our future and the fate of all that expertise in all those industries that have closed down not just recently but also over the past 20 years. We must again, in my view, focus on elaborately transformed manufactures.

Some companies in Australia are already doing a brilliant job in being competitive in science-based niche manufacturing, where we can build on our research and on the fact that we have a well-educated workforce. Cochlear, ResMed and CSL are all companies that come
to mind as companies that are being competitive and doing very well, irrespective of the high dollar.

At the same time we need to grow our basic manufacturing base. We need small companies that can respond quickly to local demand. But we need to put those companies in the situation where they can get finance, where they can get advice on business methods, where they can get help to develop their markets and work in the export field. We need to make it easier for them to employ people, to pay their taxes and to comply with environmental regulations. We need to make sure that they can supply the bigger companies—like the Coles, the Woolworths and the Bunnings of this world—on even terms.

In short, I think we need to move well past the mindset that manufacturing in Australia is dead and actually celebrate and grow manufacturing further. (Time expired)

**International Women's Day**

**Overseas Aid**

Senator RHIANNON (New South Wales) (21:13): International Women's Day will be marked with inspiring celebrations around the world. One of the creative actions will be the women's peace camp held in Shannon, Ireland. The camp has been organised to support Margaretta D'Arcy, who is serving a three-month jail sentence for crossing the perimeter fence onto the tarmac at Shannon Airport. That occurred in December 2012.

Margaretta and many others have taken a stand for peace, using courageous, non-violent actions to protest the continuing use of Shannon Airport as a war hub by the United States that facilitates the movement of troops from that country to theatres of war. This is the airport where Ireland has become a complicit partner in US rendition and a partner in facilitating the transportation of weapons of war. 'Rendition' is defined as the practice of sending a foreign criminal or terrorist suspect covertly to be interrogated in a country with less rigorous regulations for the humane treatment of prisoners. Rendition has actually become synonymous with torture.

In 2014, Margaretta was imprisoned after she refused to sign a bond saying that she would not trespass on non-public parts of Shannon Airport. This story is all the more remarkable and inspiring given that Margaretta is a 79-year-old peace activist. She should not be in jail. She is in poor health and undergoing treatment for cancer. This International Women's Day, around the world, people are calling for Margaretta to be released from prison.

Despite Ireland's claimed neutrality, successive Irish governments have allowed Shannon Airport to be used by the US military to transit planes carrying out bombings in other countries—bombings that inflict an unknown number of civilian casualties. Amnesty International, the United Nations and the European Parliament have expressed serious concerns about the many stopovers at Shannon airport by CIA-operated aircraft. Regarding the actions of Margaretta and the growing opposition to Ireland's cooperation with the US, these people are protesting that Ireland could be complicit in US torture of prisoners by facilitating such flights.

Margaretta is dedicated to highlighting that the most devastating impact of war is on women and our children—both directly, from the killings and maimings of war, and by robbing dollars from the public purse. The trillions of dollars spent on war could end world poverty and provide a decent life to the world's poor and marginalised. Margaretta is also a
veteran of the Greenham Common peace camp of the 1980s. This was a very historic and innovative women's action which opposed the US military placing cruise missiles on common land in England. This protest had a big win: there is no longer a cruise missile site, or any war base, in this part of England. That was also an inspiring action that led to the very historic women's peace camp at Pine Gap in 1983. Over 700 women gathered for a two-week action to highlight that Pine Gap, as a US base, should not be in Australia.

As we celebrate International Women's Day and its fine traditions, Margaretta's actions are a reminder that to dissent from a perspective of permanent war and austerity, and to demand the protection of life and the planet, is increasingly labelled as subversive and even criminal behaviour. While war criminals are allowed to pass through Irish airports, and financial criminals go unpunished, the Irish state has imprisoned an elderly woman, a pensioner, who has dedicated herself to highlighting, and working to prevent, war crimes.

Margaretta has called on Ireland's Minister for Defence, Alan Shatter, to stop defending the indefensible military use of the airport. She has stated that the Irish state has a responsibility to ensure the proper use of the airport and to protect against security threats. Regular peace protests are held at Shannon Airport calling for an end to the US military's use of the airport. I understand that the protests are held on a monthly basis and that this month's event is calling for the immediate release of Margaretta. The crowd at a recent protest included former UN Assistant Secretary-General Denis Halliday and Irish MPs Mick Wallace, Clare Daly and Senator Trevor O’Clochartaigh. It also included Vietnam veteran Joseph Bangert. This protest continues the work of Margaretta, protesting that the United States Armed Forces should not be allowed to use Shannon Airport routinely without any oversight or reporting on what they are transporting.

A ground-breaking research project mapping the US government's program of global rendition throws up more information about what Shannon Airport is used for. The rendition project contains a database of over 11,000 pieces of data on confirmed or suspected rendition flights and others flights from related carriers. It has been identified that over 350 of the flights came through Shannon Airport. The researchers behind the project are Dr Ruth Blakeley, of the University of Kent, and Dr Sam Raphael of Kingston University, London. The rendition flights database draws on testimony from detainees, Red Cross reports, courtroom evidence and flight records—including records provided by Shannonwatch, which document US flights in and out of Shannon Airport.

Margaretta is a talented artist. Her life is outstanding; it is truly inspiring. In 1961 she joined the anti-nuclear Committee of 100, led by the famous peace activist and philosopher Bertrand Russell. She has written widely and directed films—including Yellow Gate Women, a very interesting film about the attempts by the women of Greenham Common Women's Peace Camp to outwit the British and United States militaries at RAF Greenham Common with boltcutters and legal challenges. As I said earlier, that was very famous and they were successful. They mobilised women around the world and across England—and there is no longer a military base on Greenham Common.

Calls for Margaretta's release are gathering global support. Across Ireland, support is also growing. Sinn Fein Leader Gerry Adams has called for her release. He said:
Successive governments have failed to inspect any planes in Shannon and have allowed the continued militarisation of a civilian airport. Rather than addressing these issues, the state has focused its efforts on arresting and jailing a 79-year-old woman.

Margareta D’Arcy has taken a stand for world peace. This International Women’s Day is our opportunity to add our voices to the growing worldwide call to release Margareta. Margareta should be congratulated and thanked, not imprisoned.

On another matter, as the coalition cuts back on Australia’s aid program and cuts the aid budget, it really would be timely for the coalition to give support to the important work being undertaken by Publish What You Pay. This has great relevance to how aid and development is undertaken in low-income countries. Today, more than 60 per cent of the world’s poorest people live in countries rich in natural resources, but they really share in the wealth. Secrecy and corruption often means that the income from oil, mining, gas and logging activities never reaches ordinary people.

To take Africa as an example, $148 billion of Africa's income is lost every year due to corruption—in a continent where 2.5 billion people do not have access to a proper toilet and nearly one billion lack access to clean water. That amount, $148 billion, is equivalent to one-quarter of Africa's income being lost. That is one-quarter of the whole continent's income lost—not lost altogether; lost by the African people to some of the world's richest companies. African exports of minerals, oil and gas in 2010 were worth roughly seven times the value of international aid to that continent: US$333 billion versus US$47 billion in aid. If those resources were harnessed effectively in the fight to end extreme poverty, resource-rich countries could exit from their dependency on international aid, a sustainable solution that surely we all want to see happen.

I have read and I have listened to many of the comments made by this government about the future of aid programs, and great emphasis is given to the need for economic growth. This issue is critical, and it has been identified by Publish What You Pay. But, surely, if you are going to have an emphasis on economic growth, the benefits need to stay with the people, who are truly the owners of that wealth. Yet the secrecy and corruption that surrounds deals between governments and multinational companies is a major barrier to the effective use of the financial resources that extractive industries generate.

Those multinational companies are largely headquartered in the developed world. We know many of them are in Australia and come from Australia. That is why the global Publish What You Pay campaign for transparency in the extractive industries was formed a decade ago. From small beginnings, it has grown into a coalition of more than 700 organisations active in more than 60 countries, including Australia. I very much congratulate them on the extraordinary and groundbreaking work they are undertaking.

Publish What You Pay has achieved a great deal since its inception, and I will share with you some examples of those achievements. Since 2010, the Hong Kong Stock Exchange has required prospective mining and oil and gas companies to disclose payments to governments in their listing applications. In August 2012, the United States adopted final rules that will operationalise its law, under section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, requiring all extractive industry companies registered with the Securities and Exchange Commission to report payments made to governments on a country-by-country and a project-by-project basis. In June 2013, the European Parliament voted to
adopt new accounting and transparency directives that require all public and large private extractive and logging companies in the European Union to report their payments to governments on a project-by-project basis. In the same month, Canadian Prime Minister Stephen Harper announced that Canada would establish mandatory reporting standards for extractive companies that are consistent with existing international standards. Norway committed to implementing payment disclosure legislation for extractive industry companies by 1 January 2014. In June 2013, the Swiss parliament adopted a resolution calling on the federal council to draft transparency rules that are in line with the US and European Union laws for private and publicly traded companies, and to include commodities traders as well as extractive companies.

It is an impressive list of examples, but I notice there is nothing about Australia. All of the major markets around the world are moving in the direction of greater transparency, except Australia. With more than 240 Australian mining companies operating in Africa, we have a key role to play in making sure that the resources they extract benefit local people as well as their shareholders. And we have a great opportunity to have a global impact too, because, as we know, Australia will host the G20 summit in Brisbane in November. Action from Australia—the last developed country to move on this—could precipitate action from the big developing countries, where we also need movement: China, Brazil, India and South Africa. Then we would truly have global rules and a more level playing field for Australian businesses.

We would be able to talk about the beginning of the end of the 'resource curse', whereby countries are burdened by their bounty instead of blessed by it. Our actions would be helping to end extreme poverty rather than exacerbating it. I acknowledge it is only a small step, but it is a very important step, particularly in assisting low-income countries to control their own resources and the distribution of wealth from those resources. That would be a G20 legacy that all Australians could be proud of. I think it is a very worthy suggestion from Publish What You Pay.

**Sri Lanka**

*Senator MADIGAN (Victoria) (21:28):* I speak today of a young man and of the cruelty to which he has been subjected; I speak today of genocide and of how this government is complicit; and I speak today of how Australia is now lining up alongside Russia, China and Cuba to actively undermine a push for an international inquiry into human rights abuses in Sri Lanka. I will call this young man David. I have met with him on numerous occasions. I have spoken to him at length. I have examined his medical records. He is, in my opinion, a believable and credible witness.

David—as I said, not his real name—is a Tamil asylum seeker currently in community detention in Australia. Earlier this year, he was undertaking some duties at the house of his host family in Australia when he knocked his elbow. A short time later, his arm blew up in a way that was disproportionate to the injury. At the local hospital, X-rays revealed 17 metal pins sitting in the muscle of his arm. This man had 17 metal pins sitting below the flesh, buried in the muscle of his arm. These pins had been inserted and left there during a period of systematic torture from 2009 to 2012. I have seen David's X-rays. The images are confronting. But they only tell part of the story.
What have I to say next is, by its nature, both graphic and disturbing. An Australian doctor's report from last year confirms 11 healed marks on David's scrotum. According to this report, these marks are consistent with cigarette burns. A report from the same clinic confirmed that Australian doctors removed wooden and plastic items from David's rectum, as well as pieces of wire. David has told me how during torture in Sri Lanka a metal tube was inserted into his anus that then had wire fed into it. For a period of 10 months, David says, he was detained, interrogated about his family, drugged and repeatedly raped. He says he suffered repeated and ongoing sexual torture for a period of three years.

As a result, he has lost a high percentage of his hearing ability and has been diagnosed with post-traumatic stress disorder, depression and anxiety. I have read the Australian doctor's report that details his catastrophic injuries. Another report by an Australian consulting psychiatrist says David suffers recurring distressing dreams and disturbed sleep, intrusive recollections of his trauma, severe dissociative episodes, poor memory and reduced concentration. During one meeting I had with David, he lowered his trousers to show me a series of round marks on his upper thigh—a snail trail of scars left by cigarette burns. David tells me that as recently as last October, Sri Lankan authorities visited his parents and threatened them with violence and death if he spoke out.

Sri Lankan authorities closely monitor what is happening here in Australia. David's father has been tortured and other family members have been threatened. And our Prime Minister, Mr Abbott, recently dismissed torture by the Sri Lankan government. Mr Abbott was reported as saying that in difficult circumstances difficult things sometimes happen. When visiting Sri Lanka last year, Mr Abbott declined to follow the lead set by Britain and Canada and raise concerns about human rights violations: 'I don't propose to lecture Sri Lankans on human rights,' he was reported as saying. I ask: why not, Prime Minister? Why do you stand mute in the face of torture? The answer, of course, is clear.

Australia is now a globally infamous human rights abuser; we are possibly seeing that on Manus Island and elsewhere. Our government is pursuing a policy of 'stop the boats' at all costs. And we are prepared to stand alongside countries with appalling human rights records—China, Russia and Cuba—to support the Rajapaksa regime in Sri Lanka. As reported last week in the Fairfax press, diplomats preparing for the United Nations Human Rights Council session in Geneva this month have expressed concern that Australia is working to 'actively undermine' a push for an international inquiry into human rights abuses in Sri Lanka. Diplomats believe this is because of the Australian government's eagerness to cooperate with Sri Lanka's leaders on asylum seekers.

Prime Minister Abbott announced in November that the government would give Sri Lanka two Bay-class patrol boats, at a cost of $2 million, to help the country stem the flow of asylum seekers to Australia. That was part of a wider agreement between the countries that has led to the Sri Lankan navy, with Australia's help, intercepting and returning boats trying to depart the Sri Lankan coast. Well-placed sources involved in the preparations for the UN meeting have said there is 'deep concern' among United States and British officials at Australia's position, according to Fairfax.

There have been reports that the US could call for an international investigation into alleged war crimes and crimes against humanity committed in the dying days of Sri Lanka's civil war in 2009. It is thought that between 40,000 and 70,000 civilians lost their lives in the
final phase of the war, particularly as government forces advanced on the Tamil Tigers in the country's north. And the reports we are getting now are very clear. The Rajapaksa regime continues its reign of terror and torture and human rights violations. As recently as last month, Amnesty International said the climate of fear and harassment in Sri Lanka continues to be very real.

And the ramifications for Australia? The war against humanity in Sri Lanka and its current oppressive human rights regime means that country has the ability to flood Australia with asylum seekers. The Rajapaksa regime can turn on or turn off the tap when it comes to asylum seekers. In fact, there have been some reports that the biggest people smugglers in Sri Lanka are in fact part of the President's family. Our current foreign minister, Ms Bishop, speaks in the same words as our former foreign minister, Mr Carr; they have both said: 'There is no evidence of human rights abuses in Sri Lanka.'

This is political opportunism. In plain English, it is called a lie. But this government was voted in on its promise of stopping the boats and it will do anything to achieve that aim. Australia continues the persecution of Tamils once they arrive on our shores—nearly 50 Tamils now face indefinite detention in Australia because ASIO has given them adverse security findings. Additionally, refugee advocates say this government is quietly running a 'screening out' process. Labelled 'economic refugees', Tamils are denied legal representation and proper protection during interviews. They are then quietly returned to Sri Lanka, with many of them facing certain torture, ongoing harassment and possible death.

The Australian public must be clear on one thing. Our international reputation as a country of fairness and compassion is being trashed by our sycophancy towards Sri Lanka. We have abrogated our responsibilities as an international citizen. We are siding with a leader who condones torture, enforced disappearances, rape and sexual violence.

**DOCUMENTS**

**Consideration**

The following government document tabled earlier today was considered:


General business orders of the day nos 49 to 51 relating to government documents were called on but no motion was moved.

**Senate adjourned at 21:36**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

_Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk._

_A New Tax System (Family Assistance) Act 1999—Family Tax Benefit (Entitlement Exclusion – Newborn Upfront Payment and Newborn Supplement) Determination 2014 (No. 1) [F2014L00192]._
Aged Care Act 1997—
Aged Care (Residential Care Subsidy – Homeless Supplement Amount) Determination 2013 [F2013L01984]—Revised explanatory statement.
Residential Care Subsidy Amendment (Homeless Supplement) Principle 2013 [F2013L01981]—Revised explanatory statement.

Australian Capital Territory (Planning and Land Management) Act 1988—
National Capital Plan – Amendment 82 – Amtech Estate [F2014L00206].
National Capital Plan – Amendment 84 – Pialligo Section 9 Part Block 4 and Section 12 Part Block 2 [F2014L00207].


Australian Research Council Act 2001—Australian Research Council Funding Rules for schemes under the Discovery Program for the years 2014 and 2015 [F2014L00193].


Corporations Act 2001—ASIC Class Orders—
CO 14/25 [F2014L00204].
CO 14/26 [F2014L00205].
CO 14/55 [F2014L00210].

Defence Act 1903—Section 58B—
Higher duties and transport contributions – amendment—Defence Determination 2014/12.

Environment Protection and Biodiversity Conservation Act 1999—
Amendment of List of Exempt Native Specimens – South Australian Marine Scalefish Fishery (24 February 2014) (deletion)—EPBC303DC/SFS/2014/01 [F2014L00200].
Amendment of List of Exempt Native Specimens – South Australian Marine Scalefish Fishery (24 February 2014) (inclusion)—EPBC303DC/SFS/2014/02 [F2014L00201].


Health Insurance Act 1973—
Health Insurance (Allied Health Services) Amendment Determination 2014 (No. 1) [F2014L00203].
Health Insurance (General Medical Services Table) Amendment (Various Measures) Regulation 2014—Select Legislative Instrument 2014 No. 10 [F2014L00202].


National Health Act 1953—
National Health (Botulinum Toxin Program) Special Arrangement Amendment Instrument 2014 (No. 1)—PB 13 of 2014 [F2014L00198].
National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2014 (No. 2)—PB 12 of 2014 [F2014L00191].


National Health (Growth Hormone Program) Special Arrangement Amendment Instrument 2014 (No. 1)—PB 14 of 2014 [F2014L00208].


Tabling

The following government documents were tabled:


National Heavy Vehicle Regulator (NHVR)—Report for the period 12 October 2012 to 30 June 2013.

Office of the National Rail Safety Regulator (ONRSR)—Report for the period 20 January to 30 June 2013.


Sydney Airport Demand Management Act 1997—Quarterly report on the maximum movement limit for Sydney Airport for the period 1 October to 31 December 2013.


Indexed Lists of Departmental and Agency Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2013—Statement of compliance—Comcare.

Departmental and Agency Contracts

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2013—Letter of advice—Environment portfolio.