INTERNET
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Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at

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

SITTING DAYS—2013

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

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

Governor-General

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

Senate Office holders

President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Deputy Leader of the Government in the Senate—Senator Hon. Penelope Ying Yen Wong
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Jacinta Mary Ann Collins
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips

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

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

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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice H. Coonan, resigned 22.8.11), pursuant to section 15 of the Constitution.
(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.
(4) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice J. Adams, died in office 31.3.12), pursuant to section 15 of the Constitution.
(5) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.
(6) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. N. Sherry, resigned 1.6.12), pursuant to section 15 of the Constitution.
(7) Chosen by the Parliament of South Australia to fill a casual vacancy (vice M. J. Fisher, resigned 15.8.12), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Dr Andrew Leigh MP</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
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<td>Special Minister of State</td>
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<td>Minister for Defence Science and Personnel</td>
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<tr>
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<td>Senator the Hon Bob Carr</td>
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<tr>
<td>Minister for Trade and Competitiveness</td>
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<td>The Hon Kelvin Thomson MP</td>
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<tr>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
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</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Minister for Tertiary Education, Skills, Science and Research</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Minister for Climate Change, Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister for Science and Research</td>
<td>The Hon Sharon Bird MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Small Business</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change, Industry and Innovation</td>
<td>The Hon Yvette D’Ath MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Mental Health</td>
<td>The Hon Melissa Parke MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Shayne Neumann MP</td>
</tr>
<tr>
<td>Minister for Immigration and Citizenship</td>
<td>The Hon Brendan O’Connor MP</td>
</tr>
<tr>
<td>Minister for Multicultural Affairs</td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td>Parliamentary Secretary for Multicultural Affairs</td>
<td>Senator the Hon Matt Thistlethwaite</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister for Emergency Management</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister Assisting on Queensland Floods Recovery</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Attorney-General</td>
<td>The Hon Shayne Neumann MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting for Tourism</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Jan McLucas</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 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>Position</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Arthur Sinodinos</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Leader of The Nationals)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>(Leader of the Opposition in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Opposition in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>and Superannuation</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong></td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>(Deputy Manager of Opposition Business in the House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong></td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
<td></td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>(Chairman, Scrutiny of Government Waste Committee)</td>
<td>(Mr Jamie Briggs MP)</td>
</tr>
<tr>
<td><strong>Shadow Minister for Energy and Resources</strong></td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Ageing</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health</td>
<td>Senator the Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector (Manager of Opposition Business in the Senate)</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Mr Jamie Briggs</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td>Senator Scott Ryan</td>
</tr>
</tbody>
</table>
## CONTENTS

### Chamber

#### BILLS—
- Referendum (Machinery Provisions) Amendment Bill 2013—
  - First Reading .......................................................... 2555
  - Second Reading ...................................................... 2556

#### MATTERS OF PUBLIC INTEREST—
- Defence ........................................................................... 2594
- South, Mr William 'Bill' .................................................. 2597
- National Disability Insurance Scheme ............................ 2601
- Manufacturing ............................................................... 2604
- Agriculture ..................................................................... 2607
- Palliative Care ................................................................. 2610

#### QUESTIONS WITHOUT NOTICE—
- Budget ............................................................................ 2612
- Asylum Seekers .............................................................. 2612
- Budget ............................................................................ 2614
- Budget ............................................................................ 2615
- Carbon Pricing ................................................................. 2617
- Budget ............................................................................ 2620
- Budget ............................................................................ 2621
- Budget ............................................................................ 2623
- Malaysia .......................................................................... 2624
- Budget ............................................................................ 2626

#### QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
- Budget ............................................................................ 2628
- Malaysia .......................................................................... 2633

#### NOTICES—
- Presentation ..................................................................... 2634
- Presentation ..................................................................... 2635
- Presentation ..................................................................... 2637
- Presentation ..................................................................... 2638

#### COMMITTEES—
- Rural and Regional Affairs and Transport References Committee—
  - Reporting Date .............................................................. 2642

#### BUSINESS—
- Leave of Absence ............................................................ 2642

#### NOTICES—
- Postponement ................................................................... 2642

#### COMMITTEES—
- Education, Employment and Workplace Relations References Committee—
  - Reference ...................................................................... 2642

#### COMMITTEES—
- Allocation of Departments and Agencies .......................... 2643

#### BUSINESS—
- Consideration of Legislation .............................................. 2643

### WEDNESDAY, 15 MAY 2013
CONTENTS—continued

COMMITTEES—
Environment and Communications Legislation Committee—
Meeting .............................................................................................................. 2643
Environment and Communications Legislation Committee—
Reporting Date .................................................................................................. 2643
Community Affairs References Committee—
Meeting ............................................................................................................. 2643
Foreign Affairs, Defence and Trade References Committee—
Reporting Date ................................................................................................. 2644
Foreign Affairs, Defence and Trade Joint Committee—
Meeting ............................................................................................................. 2644
Gambling Reform Committee—
Reporting Date ............................................................................................... 2644
Environment and Communications References Committee—
Reporting Date ................................................................................................. 2644
Rural and Regional Affairs and Transport References Committee ............. 2644
Reporting Date ................................................................................................. 2644
BUSINESS—
Withdrawal ........................................................................................................ 2645
BILLS—
Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013—
First Reading .................................................................................................... 2645
Second Reading ................................................................................................. 2645
MOTIONS—
Nurses ................................................................................................................ 2647
World Heritage Areas ....................................................................................... 2647
Live Animal Exports ......................................................................................... 2647
World Heritage Areas ....................................................................................... 2648
Uranium Mining: Jabiluka ................................................................................. 2648
Leaders' Debate Commission ............................................................................ 2649
MATTERS OF PUBLIC IMPORTANCE—
Budget ................................................................................................................. 2649
COMMITTEES—
Scrutiny of Bills Committee—
Report .............................................................................................................. 2663
Public Accounts and Audit Committee—
Public Works Committee—
Report ............................................................................................................. 2665
Environment and Communications References Committee—
Report ................................................................................................................. 2665
Corporations and Financial Services Committee—
Report ................................................................................................................. 2667
Human Rights Committee—
Report ............................................................................................................. 2667
BUDGET—
Statement and Documents .............................................................................. 2669
### CONTENTS—continued

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DOCUMENTS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Tabling</td>
<td>2669</td>
</tr>
<tr>
<td><strong>COMMITTEES</strong>—</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Committee—</td>
<td></td>
</tr>
<tr>
<td>Membership</td>
<td>2669</td>
</tr>
<tr>
<td><strong>REGULATIONS AND DETERMINATIONS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Building Code 2013—</td>
<td></td>
</tr>
<tr>
<td>Disallowance</td>
<td>2669</td>
</tr>
<tr>
<td><strong>BILLS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Referendum (Machinery Provisions) Amendment Bill 2013—</td>
<td></td>
</tr>
<tr>
<td>Second Reading</td>
<td>2676</td>
</tr>
<tr>
<td>In Committee</td>
<td>2677</td>
</tr>
<tr>
<td><strong>BUSINESS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Rearrangement</td>
<td>2686</td>
</tr>
<tr>
<td><strong>BILLS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Referendum (Machinery Provisions) Amendment Bill 2013—</td>
<td></td>
</tr>
<tr>
<td>In Committee</td>
<td>2686</td>
</tr>
<tr>
<td>Third Reading</td>
<td>2691</td>
</tr>
<tr>
<td><strong>DOCUMENTS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Consideration</td>
<td>2692</td>
</tr>
<tr>
<td><strong>ADJOURNMENT</strong>—</td>
<td></td>
</tr>
<tr>
<td>T-QUAL Grants</td>
<td>2692</td>
</tr>
<tr>
<td>Tasmanian Whisky Industry</td>
<td>2692</td>
</tr>
<tr>
<td>Budget</td>
<td>2694</td>
</tr>
<tr>
<td>New South Wales Labor Government</td>
<td>2696</td>
</tr>
<tr>
<td>Grey Electorate: Trade Training Centres</td>
<td>2699</td>
</tr>
<tr>
<td><strong>DOCUMENTS</strong>—</td>
<td></td>
</tr>
<tr>
<td>Tabling</td>
<td>2701</td>
</tr>
<tr>
<td>Departmental and Agency Grants—</td>
<td></td>
</tr>
<tr>
<td>Tabling</td>
<td>2701</td>
</tr>
</tbody>
</table>
Wednesday, 15 May 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9:30, read prayers and made an acknowledgement of country.

BILLS

Referendum (Machinery Provisions) Amendment Bill 2013

First Reading

Bill received from the House of Representatives.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (09:31): I move:

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

The DEPUTY PRESIDENT: Senator Ryan, you can ask to have a question split or divided because there is no provision for you to speak in the first reading. If you want to speak on the motion that the bill proceed without formality, there are two parts to that question and you can ask for that question to be divided. The question will be divided. The first question will be that the bill proceed without formality.

The Senate divided. [9:37]

(The President—Senator Hogg)

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

AYES

McEwen, A (teller)
Milne, C
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

NOES

Back, CJ
Birmingham, SJ
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Smith, D

PAIRS

Carr, RJ
Conroy, SM
Ludwig, JW
Moore, CM
Wong, P

Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A

Question agreed to.

The PRESIDENT: The question now is that the bill be now read a first time. Senator Macdonald, I am going to give you the call.

Senator IAN MACDONALD (Queensland) (09:39): I apologise. I thought you were saying it would be read a second time. You are saying the first time.

The PRESIDENT: The first time.

Senator Ian Macdonald: In which case I have no point to raise.

The PRESIDENT: The question now is that the bill be now read a first time.
Question agreed to.

Bill read a first time.

Second Reading

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (09:40): I move:

That this bill be now read a second time.

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

Senator IAN MACDONALD
(Queensland) (09:40): I do not know about leave. I am thinking in relation to the motion that I might move an amendment deleting the word 'now' and inserting the words 'this day six months' pursuant to standing order 1142.

The PRESIDENT: You are entitled to do that. We will need it in writing. Do you have the amendment in writing?

Senator IAN MACDONALD: I do not. And it would take me some time to write it out, so I may not proceed with it.

The PRESIDENT: Leave was sought to incorporate the second reading speech. There being no objection, leave is granted.

The speech read as follows—

I am pleased to present a Bill to amend the Referendum (Machinery Provisions) Act 1984 to make two small amendments to the arrangements governing how referendums are run.

The Bill implements one of the recommendations of the then House of Representatives Standing Committee on Legal and Constitutional Affairs which reported on the machinery of referendums in the December 2009 report entitled: "A time for Change: Yes/No?"

Recommendation 3 of this report was that:

"The Committee recommends that the Australian Government introduce amendments to the Referendum (Machinery Provisions) Act 1984 (Commonwealth) to require a Yes/No pamphlet to be delivered to every household, not every elector."

Subsections 11(1), (2) and (3) of the Act provide for the printing and distribution to each elector of a pamphlet which outlines arguments in favour of the proposed Constitutional change and arguments against the proposed Constitutional change. These arguments are compiled and presented in one pamphlet known as the Yes/No pamphlet.

Printing and sending the Yes/No pamphlet to every Australian elector represents a substantial expense. According to figures drawn from the Australian Bureau of Statistics web site there were approximately 5.7 million family households in Australia in 2006 and this figure is increasing. It is not unreasonable for persons who share a family household to share the Yes/No pamphlet.

Of course it is not intended to restrict access to the Yes/No pamphlet. This Bill replaces the requirement that a pamphlet be posted to each elector by requiring the Electoral Commissioner to send a pamphlet to each residential address, mainly those from the addresses that appear on the electoral Roll.

However, as communication methods have changed since the last referendum in 1999, the Bill also gives an additional capacity to send pamphlet information via email. Many Australians wish to communicate via digital means and this small amendment merely allows the Electoral Commissioner to send the information via email if that is what is sought.

Finally the Australian Electoral Commission (AEC) has the capacity to identify residential addresses where numerous electors are enrolled, for example, nursing homes. The AEC will ensure that multiple copies are provided to such establishments. And the AEC will also translate the pamphlet into other languages and formats which will be able to be accessed and read on the AEC's web page.

The second amendment suspends the operation of subsection 11(4) to allow broader Commonwealth spending. This amendment has been drafted in similar terms to an amendment which the Parliament passed to support the 1999...
Referendum. It broadens the capacity of the Commonwealth to spend money on promoting, educating and informing the public about the case for and against any referendum.

The proposed suspension of subsection 11(4) is only until the end of polling day for the 2013 general election.

The Government is considering the final report of the Joint Select Committee on Constitutional Recognition of Local Government, released on 7 March 2013. These amendments would keep open the option of a referendum at the forthcoming election, subject to continuing bipartisan support at the federal and state levels, and further consultations, in particular with the States and Territories.

Finally I would emphasise that the introduction and passage of these amendments does not commit the Government to holding a referendum at the 14 September 2013 election. However, the amendments contained in this Bill are necessary to keep open the option of holding a referendum at the next election.

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

Senator RYAN (Victoria) (09:41): What has happened here this morning is a sign—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Ryan, you are entitled to be heard in silence, on both sides.

Senator RYAN: It is a pleasure to rise to speak on this bill, but what has happened here this morning is a sign of the lack of consideration the government has given this issue. It is a sign of the lack of consideration the government has given this very important issue of amending the Constitution and proposals to do so over the last several years. It is only a matter of minutes ago that this side of the chamber was informed that this bill would be coming on right now. In fact, I had my suspicions when I saw some of the officials with whom I am familiar walking into the chamber as I was walking in here this morning.

After this bill was put to the House yesterday—and it was dropped into the House of Representatives on the day of chaos in the last day of the autumn sittings, the day of chaos on the other side when, once again, Australians did not know who they would wake up to as their Prime Minister—the government has on this occasion simply treated this important issue and the parliament with contempt. It is a bill that was presented on that last day and dropped into the House of Representatives on budget day, and no advice was provided to the opposition in this place—until less than an hour ago—that the government wanted it passed today. Compounding that, no advice whatsoever was given that it would be brought on first. Only minutes of advice have been provided to the opposition. But we are prepared—unlike the government—to deal with this issue.

This is not a bill about the proposed referendum on inserting local government into our Constitution. Indeed, I have not yet seen the words of that proposal. There may be some in the government who have, but I have not seen the words. As far as I am aware it has not been introduced into either chamber yet. It is important to remember that this is a machinery bill. This bill proposes to amend the Referendum (Machinery Provisions) Act 1984. It proposes to do so in a number of ways, not all of which have the opposition's support, and this will be reflected in a number of amendments that I will move later on in this debate.

In 2009 the House of Representatives Standing Committee on Legal and Constitutional Affairs brought down a report: A time for change: yes/no? The report assessed the effectiveness of the famous or infamous yes/no pamphlet, which was sent to
every elector in Australia under the current referendum provisions, and assessed whether there were more suitable ways to engage voters in referenda. In the history of referenda in this country, it is quite famous that only eight of 44 have been adopted by the people. I might make the point that, particularly on the Left of politics, this seems to be said as if there is some flaw in the process, or some flaw in the people. I think it reflects the quality of many of the proposals put up. Of course, there have been very few proposals put up by the Labor Party that have been adopted. I think the last one might have been in 1944.

Bipartisan support for a referendum is often outlined as a necessary, but not sufficient, condition for the success of a referendum. There are those that have failed with bipartisan support. I point out that in 1967, on the same day that over 90 per cent of Australians voted to amend the Constitution to give the Commonwealth power over Indigenous affairs—and at the same time removing section 127 of the Constitution regarding counting Indigenous people in the census—a proposal to break the nexus between the House of Representatives and the Senate was only supported by just over 40 per cent of the Australian population. On the same day, more than half the people who voted yes for one proposal, voted no for another. Also, I point out that the second proposal that failed with only just over 40 per cent of the vote did have bipartisan support as well.

What we know is that bipartisan support is a necessary but not sufficient condition. The process we have seen this morning, the bringing in of this bill and its alleged urgency, reflects the government's disorganisation and, I would say, lack of consideration of the import of this process. If the government actually thought this proposal was as important as it has said over the last two weeks, if the government thought this particular bill in reflecting the needs of that particular referendum was as important as it has said in the last 10 minutes, then this legislation would not be being dropped on the chamber at such short notice, would not be being put through this parliament at such short notice.

There are two aspects of this bill that are worthy of particular discussion. The first one is in regard to the yes/no pamphlet. I am old enough to remember the 1988 referendum, although I was not a voter. The four questions put by Lionel Bowen and the Hawke government, which failed so abysmally, were outlined in that small black-and-white booklet produced by the AEC that came out to every voter. In 1999, I cannot remember whether there was a booklet—I note that one of the officials of the AEC indicated that there was—a much larger campaign that reflected community discussion about the issue, and reflected the fact that there had been an election and a constitutional convention that came up with the proposal that was then put to the Australian people.

My view is that the proposal in this bill to remove the requirement to send a booklet to each individual elector represents a dismantling of one of the more effective means of communication when it comes to one of the most important decisions a voter can make. Unlike many countries of the world, neither a parliament here nor a convention of politicians has the power to amend our Constitution. Almost uniquely amongst democracies of our age, we have a constitution that was developed by delegates elected by the people and that can only be amended by delegates elected by the people. As I said earlier, while that has frustrated some I think it is one of the greatest elements of our democracy, and it is one of the shining lights of our constitutional arrangements.
No matter what politicians may think, say, wish or desire, that choice remains with the people. That, in my view and the view of the coalition, makes this yes/no booklet a very important component of information to electors. I know the AEC has on occasion suggested that the yes/no booklet could either be sent to an address of a registered elector so as to save money, as it does not go to each individual elector. I contend that effectively householder mail, while it may not say 'householder' on the front, is not going to have the same attraction to voters to read—nor would it necessarily get to everyone in that house—as something individually mailed by the Electoral Commission. The Referendum (Machinery Provisions) Act does provide that the yes/no booklet is prepared by those who vote to support a proposition to be put to the people in this parliament, and those who vote against. Not all referenda have had such a booklet distributed. One of the reasons for that is that some proposals, such as that in 1967, were not contentious and were, if not unanimously supported, I am not aware of any particular dissent to affect the Commonwealth power over Indigenous people.

But the fact that the government would say, 'Let's save a couple of million dollars'—particularly when to them a couple of million dollars represents a few copper coins fallen down the back of the car seat—’by mailing a booklet about a constitutional change to households,' when a referendum costs so much and this is such a small element, to me betrays a lack of consideration for the import of that booklet. After all, there will be media discussion about this. It will of course be swamped by an election campaign. I cannot remember the last time a referendum passed on an election day—those passed in 1977 and 1967 were not on election days. So that puts it beyond my lifetime. So, particularly in this election period, having the yes/no booklet, prepared by people who do and who do not support the proposal, distributed to each elector is critical for voters and the community. To send it to households would in my view devalue it and it would not ensure that every voter got a copy.

There are also proposals in this bill that I believe would facilitate email communications. Again—and I have said this on the record on many occasions—I am not a fan of things like electronic voting and new technologies when it comes to the electoral process. There is both simplicity and transparency in pencil and paper, and in this case there is simplicity and transparency in sending people a booklet which they can read, old style. That does not necessarily preclude it being put up on iTunes so it could be accessed on iPods or Kindles—I am happy to be corrected on that—by the AEC or being put up on a website. I think the 1999 booklet was available on the AEC website. We do not want to preclude electronic communications, but no case has been made that this is the place to save money—by a government that does not know how to save money. The coalition members opposed this recommendation at the committee level in the House of Representatives, and we will be moving an amendment to reflect that later on. We believe that all voters should receive personally addressed mail with the yes/no case from the Australian Electoral Commission.

There is also a proposal in this bill to suspend subsection 11(4) of the Referendum (Machinery Provisions) Act 1984 until the end of polling day 2013. Subsection 11(4) generally limits the capacity of the Commonwealth to spend money in relation to a referendum other than on the production and delivery of the yes/no pamphlet that we discussed earlier. This is a provision that has been suspended before. I do not think anyone
could deny that. I was not in this place in 1999, but I understand that in 1999 that provision was suspended. However, the provision was suspended with a couple of issues that I think are inextricably linked to it. There was an education campaign associated with the 1999 referendum, but also, with the 1999 referendum, there was an appropriation of money for a yes and a no case, there was a yes and a no committee appointed. I believe the members of that committee were members of the Constitutional Convention that had been elected and appointed to come up with the proposal.

That is a critical difference in the process we have had here. In 1999, after a long debate about Australia’s constitutional arrangements, after an election for delegates and half the delegates being appointed, after participation by political and community leaders from all around Australia and after a proposal being agreed on by a majority of that convention—parts of which were televised, and there are also nice Hansard volumes of it—a proposal was put to the people. There was no question regarding a lack of awareness about the proposal. There was no question regarding a lack of awareness around the substantive issue, which was the arrangements around Australia’s head of state and the Crown. It was the product of a long gestation. This process has been the exact opposite. The government has botched this. If the government were serious about addressing the issues, it would not have left this until the last minute. We still have not seen in the parliament their proposal to amend the Constitution. It would not have left it until budget week to bring in this bill. It would not have brought it on with so little notice.

The government proposes to suspend section 11(4) until the announced polling day on 14 September this year. Our concern with that is on multiple levels. I plan to ask in committee, and I was planning to ask in estimates, what the details around the proposed community education campaign were and whether it was an education campaign along the lines of: ‘There is a referendum on; there is a yes case and a no case available; here is where you can find them.’ Or is it an advertising campaign for one side of that debate? I think it is a legitimate question that people should ask when considering this element of the bill. The explanatory memorandum of this bill actually refers to the House of Representatives committee report that alluded to this provision being suspended but also that there should be funding for a yes and a no case, but the bill before us contains no such guarantee. So I am not sure as to what the government’s intentions are and why the explanatory memorandum mentions that. I think it is also worthy of an explanation.

In this financial environment, the opposition are not of a mind to lift this particular prohibition on the Commonwealth spending money, and we will be moving an amendment to that effect. One of the reasons, and the prime reason for it, is that I do not know whether we should be borrowing $12 million to spend on advertising. I know that there was a special amount in the budget yesterday for $22 million on advertising for the NBN over the next six weeks, by the end of the financial year, so anyone who watches a footy game or a League game over the next few weeks can probably be expected to be bombarded with the NBN, and then they can jump online and find out that they will get it in 2019. The point I make here is: should we really be borrowing another $12 million when we do not have any details of what the campaign is for and when we do not have any metrics of its success? The explanatory memorandum implies that it is a yes/no
campaign. It wants to achieve some sort of equality in the arguments, yet there is no such provision in the bill.

Also, I think it is putting the cart before the horse to say that we want to advertise something before we have got a proposal in this chamber to deal with. There is no section 128 in the bill before this chamber and, as far as I know, there is not one before the House of Representatives yet. I do not think it is necessarily good practice to say that we want to advertise for something before we have got a proposal in this chamber to deal with. There is no section 128 in the bill before this chamber and, as far as I know, there is not one before the House of Representatives yet. I do not think it is necessarily good practice to say that we want to start looking at advertising for something that the members of this place have not seen and to be asking members of this place to vote for advertising or education for a proposal we have not seen. I cannot think of a better example than this of putting the cart before the horse. Can I suggest to the proponents of this, for those who have cared deeply about it for a long time, that you want to give the Australian community a sense that there is fair play. But to actually talk about education and advertising—and I think there was a line item in the budget last night for this as well for the department of regional Australia—before we have seen a proposal is, I think, not getting off on the best step. This is merely an observation as a student of constitutional history.

The history of referenda is littered with the failures of governments to mount the case for change, to generate consent, to establish a need for the change in the community. This government has failed on almost all of those, by leaving this until the last minute. I cannot help but think that this government is seeking some sort of diversion from its own record; it is seeking to talk about constitutional issues as if that will help people forget about its appalling record in government. I do remember a past Prime Minister doing this when he was behind in the polls in 1993 and 1995—Mr Keating. For some reason, whenever the unemployment rate went up and there was a scandal, discussion about the flag used to start. It was a distraction then. I do not want to assign motives to the government, but the way in which they have implemented this is reflective of their broader failure in office and reflective of their incapacity to establish a community need for something, to generate consent and to reflect that, through a process that respects the multiple views and seeks to convince people. The government have been an abject failure when it comes to the state governments. I understand there is even a Labor state government that might be opposing the referendum—which would be an interesting proposition, I imagine.

The opposition supports this referendum going to the people, but today we believe that this bill should be amended. We are not convinced but we retain open minds on the urgency of the bill. We are not convinced but we retain open minds on the advertising and education campaign, but I will be seeking further information about that during the committee stage.

Could someone tell me why it is so important to lift what you might call a fair-play restriction on the Commonwealth, which simply says it cannot spend money on a yes case or a no case, in subsection 11(4), other than the booklet? Why should we facilitate education and spending on advertising before we have seen a proposal to change the Constitution? I would appreciate answers to those questions.

Absent very good answers which were not made available to the House of Representatives yesterday, the coalition will be opposing this bill, but we will be seeking to make amendments.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (10:00): I rise to speak on the Referendum (Machinery Provisions) Amendment Bill. It is a disappointing day for me. I came into
this chamber today, having read the Order of Business, to understand that the fourth order of business was the Referendum (Machinery Provisions) Amendment Bill. We now find that, as a result of the machinations of the government and, indeed, the Greens political party, this particular bill has been jumped to the front, and our whip did not learn this from the government—indeed, she got this information from the Greens political party.

Before addressing the issue before the President's chair, I will make a couple of observations and quote from the now Prime Minister of Australia. When the Hon. Julia Gillard was in opposition in 2005 she said: The Labor Party is the party of truth telling. When we go out into the electorate and make promises, do you know what we would do in government? We would keep them. When we say them, we mean them.

It is interesting because, on that occasion, she used the term 'electorate'. I notice that in this particular machinery we are trying to remove the term 'elector' and replace it with 'person'. I will come to that in a few moments. Again in 2005 Ms Gillard said: The question of truth in government is not a game—and it is not my game …

What game has she been playing here this morning? She went on to say: … say to the Australian people when it is seeking their trust and their mandate at an election. Anybody in the Australian community, if asked, would say without any hesitation that what they want to know before the election is just the simple truth.

I go on to a quote from Ms Gillard on 18 September 2010, when she said: The parliamentary reforms for the new Parliament will change our political processes and the way we conduct our democracy, bringing new levels of openness and accountability into our democratic processes …

She also said: I am going to be held to higher standards of accountability than any Prime Minister in the modern age. I'm well aware of that, and I'm going to focus on being up to that challenge.

What we have seen here this morning is a shameful reversal of every one of those high and noble statements that I have quoted from Ms Gillard. What we see here this morning is a cheap attempt to try to bring to the Australian people in a most undisciplined way a circumstance for which the Australian people are not ready and for which the very review panel commissioned by the government has counselled against.

A few moments ago I referred to a change from the word 'elector' to the word 'person' throughout this machinery provisions amendment bill. To my knowledge in this country, constitutionally and democratically, those who are eligible to vote are on the electoral roll and are called electors. There are others in this community who are not, for whatever reason—be it that of age, inability or ineligibility—and in that circumstance they should not be the subject of this particular communication. It is about electors; those who will go to the polls on 14 September, those who will make a decision on the transparency and the honesty of this government. I for one cannot wait for 14 September to give all electors, myself included, that opportunity. Why is it that in this legislation we are so keen to change to the word 'person' from 'elector'? It is pivotal, surely, to maintaining the proper sense of voting that, be it in an election or be it in a referendum, we speak about electors.

We have also had presented to us the information that in this particular amendment, should this machinery be changed, we would remove the necessity for the Australian Electoral Commissioner to post the advice, information, anything at all relating to the referendum, and presumably the election, to the registered address of each
elector and allow it to be in fact distributed to an email address. I do not know what the figures in Australia are, but I imagine that most Australians would probably have two email addresses. I certainly have three, and I am a troglodyte when it comes to the electronic transfer of information. I also know from the fact that so many emails bounce whenever I send them that people change their email addresses frequently. The figure that I have for the United States, which is the only one I could source, was 1.6 email addresses per person; I do not know how many email addresses there are per elector in the United States of America. It begs the question: what would the Australian Electoral Commissioner do, in the event that this amendment was, regrettably, passed, when an email bounced back from a person or indeed from an elector? What would the Electoral Commission do then, go looking for them? Amazingly enough they might go back to the electoral roll, they might find what is called a physical address and they might post the information to that person. Time does not permit me to explore further what would be the aberrations of a circumstance in which electronic transfer took place for this vitally important question.

Reference has been made to the bill seeking to suspend the operations of section 11(4) for the period—not in perpetuity and not, if you like, for the next two, three or four years—until election day only. That is, 14 September. It begs the question: why would we want to suspend these provisions until 14 September? What changes on 15 September? It is interesting to look at what would be suspended. For example, the provisions:

(4) The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or the argument against, a proposed law except in relation to:

(a) the preparation, printing and posting, in accordance with this section, of the pamphlets referred to in this section;

What is wrong with that? Why do we want to suspend it? When you start to have a look at some of the areas that would be affected by such a change you will see that they are, in my view, those of great difficulty—for example, for:

... presentations of material contained in those pamphlets in forms suitable for the visually impaired;

and

(ac) the distribution or publication, by or on behalf of the Electoral Commission, of those pamphlets, translations or presentations (including publication on the internet);

Specifically, if the clause were to be suspended from operation, as is the wont of this Labor government and its Greens allies, it would leave open to the government the ability to spend as much money as it liked promoting one case or the other. Do those bells ring alarm to you? They certainly ring alarm to me. Given the fact that the country is in such a shocking level of debt and deficit now, when you use the words 'government to spend as much money' I would instead use the words 'taxpayers' money' or 'borrowed money', because we have not got any left. We in this country are now in a circumstance where we are rushing towards $300 billion of debt. We are approaching $200 billion of accumulated deficit in the life of this Labor and Greens government. And here we are talking about a circumstance that would suspend and would allow the government to spend as much borrowed taxpayers' money as it liked, promoting one case or another.

This rings alarm bells to me and is certainly one of the reasons I will be opposing, with all the breath I can, this particular amendment—which brings me to the question of equality of expenditure in the circumstance of this referendum, a rushed
and ill-considered referendum associated with the election on 14 September. In this world of transparency and greater scrutiny of government and accountability, has anybody yet heard from the government whether it intends to allocate equal sums of money, for example, to the yes and to the no vote? The suspicion I have—and I know it is shared by many of my colleagues and people in my state of Western Australia—is that it is not the intention of this government to spend equally on the yes vote and the no vote. It would certainly assist, and certainly restore some semblance of credibility to this Prime Minister, if indeed she was to lay that concern to rest and confirm that there will be equal expenditure of resources to ensure that both the yes and the no votes are prosecuted.

I go then to the findings of the Expert Panel on Constitutional Recognition of Local Government, referred to in brevity as the Spigelman report. The author has pointed out that there is a need 'to ensure that the case for the proposed constitutional change is not left solely to politicians and government representatives'. It goes on to talk about having other people in the community, should the change be looking to be passed, either of the need for this to occur—or, in fact, people who oppose it. Those constitutional lawyers, those who address themselves often to these questions, should have the opportunity. It should not just be left to parliamentarians and, indeed, those in local government. I recall being a member of a select committee of the Senate, chaired at the time by then senator Russell Trood, looking at matters to do with Federation and the Constitution. We had the benefit of receiving submissions and having as witnesses several constitutional lawyers and others. It was impressive to hear the differences in the views they expressed and the counsel they gave the committee on whether indeed local government would benefit or not benefit from the change that is contemplated.

But that is not the subject of our discussion today. Today we are discussing the Referendum (Machinery Provisions) Amendment Bill, and I certainly look forward to the opportunity, when it arises, to present my opposition to the referendum itself. It is interesting to note that the Spigelman report found that, after research about the support for a proposed referendum—which has only just been announced—has been commissioned, fewer than 30 per cent of voters, those people known as electors, can be said at this stage to feel a sufficiently strong commitment to the idea of recognising local government to support it in a referendum. So why are we going through this exercise? Why is it being rushed? Why is it being introduced 120 days or less before the election? The people of Australia have dealt twice with this question in the past. They have voted it down. You might say, since I am opposed to the concept of local government being represented as such in the Constitution anyhow, I would be quite pleased. But no, because I am interested in equality when it comes to decision making. I am interested in the wider community being heard from—constitutional experts and others. I am interested in there being adequate time, not only for federal parliamentarians but for state and territory parliamentarians to have their say and express that to their communities—as indeed I am local government representatives.

But we are not going to get it through this mechanism. We are not going to get it through this deceitful and duplicitous approach that we have been asked to deal with today. It is a disappointing day for the Senate and for the parliament. The way in which this has been brought into this chamber this morning is deceitful. The fact that there is much more, and much more
important, legislation that must be dealt with and is not yet before this chamber is a disgrace. It speaks to the management of parliamentary activity in this place. We all know what is going to happen in the final two sitting weeks in June, because it happens at the end of every parliamentary session. We are going to be gagged and guillotined again and again in the matter of circumstances that should have full debate and full discussion in this chamber. But we know they are not going to, because we are wasting circumstances and time in the sort of exercise we are talking about.

My final comment in this debate is to go back to the question of funding and finance—whatever it is, $12 million or $20 million—which seemed to roll off the tongues of this Labor government because they do not understand it. We have a circumstance now in which this country is paying $35 million a day interest—not interest plus repayment of capital—on our debt. We are paying $1 billion a month interest on our debt in this country at the moment—$1,000 million a month, as interest only, on our national debt. What a disgrace. And what a circumstance, in which a government comes to this place wanting to spend even more money without telling us how much, without telling us how equally divided those funds might be, on a circumstance which will fail simply because the machinery is put into place too late. It is associated with an election and it is my prediction the Australian people will vote accordingly.

Senator SMITH (Western Australia) (10:16): What a surprise for coalition senators to come to the Senate this morning to find that the program of the Senate had been adjusted to reflect the mixed and appalling priorities of this Labor government. It is a very, very sorry day. If Australians were ever doubtful that the Australian Greens were still in a political marriage with the Australian Labor Party, they need look no further than to the events of the last hour or so. This is a very, very sorry day for fair play in our country, for fair play over what should be the proper considerations, the fulsome considerations, of constitutional reform proposals in our country.

This is not about a specific constitutional reform proposition. This goes to the heart of how we have our public discourse. This goes to the heart of how we share our ideas and ultimately how Australians come to a conclusion before they cast their vote on constitutional reform. Shambolic and reckless is how we have described this government's management of our budget. Shambolic and reckless is how we have described this government's management of our borders. Shambolic and reckless is how we have described this government's approach to many of our national affairs. Not even the Australian Constitution is safe from the shambolic and reckless attitudes of this Labor government. Nothing is safe, not even our cherished national Constitution. This demonstrates yet another broader failure on the part of this Labor government. It matters not whether you are for or against any of the constitutional reform proposals that are being put before Australians. It matters not whether you are for a full and proper discussion about what are the merits of those proposals. In this instance, in the last days—we hope—of this Labor government, not even the Australian value of fair play is safe from the shambolic and reckless attitudes of this Labor government. Speaking on the Referendum (Machinery Provisions) Amendment Bill 2013, we are not talking about specific constitutional amendments that might be before us at the moment. Nor will I be talking about my own personal ideas on constitutional reform and how we can ensure
that Australians have a better say in amending their own Constitution.

In discussing this bill I just want to touch briefly on some of the concerns that I and other coalition members and senators have with this particular bill. We know that the government wishes to hold a referendum concurrently with the federal election scheduled on 14 September.

Looking back at the other referenda that have been held in the course of Australia’s political history, one notes that they have generally occurred separately from a federal election not concurrently with an election. There is a very solid, sound reason for that: constitutional amendment should always be undertaken not lightly but with due and proper consideration by electors. Whatever side of a particular debate we may be on, as parliamentarians I would have thought that we could all agree that in our democracy the best decisions will be made when electors are well informed about the issues. In relation to a referendum, that means that electors should be informed as to the arguments for and against a proposed change to our Constitution. Along with my colleagues, I find it quite extraordinary to be in this chamber debating a piece of legislation that will actually make that less likely. Some senators might smile and grin at this proposition, but this is a disgrace. Whether you are a Labor senator, a Liberal senator, an Australian Greens senator, at the core of our democracy you should promote a proper public discourse.

With this bill the government is seeking to change the terms of the legislation. No more will the Australian Electoral Commission be required to arrange for information setting out the case for and against to be posted to electors. Instead this bill changes the term from ‘posted’ to ‘sent’. This is an innocent enough change, you may think, but on closer detail we are being told by the government that this is all about modernising our democratic process so that material can be communicated to electors by more modern means than the post. The problem is that there is no official register of electors' email addresses. We have absolutely no idea how many Australians have email; our census apparently does not record that. But from a practical point of view, what happens to people with more than one email address? Is the commissioner supposed to guess which one is best?

The coalition does not believe it is appropriate for the Electoral Commissioner to be making decisions about what is or is not an appropriate email address to be sending information to. The commissioner should be focused on maintaining the integrity of the electoral roll, a simple but very significant task. He should not be tasked with making decisions about the best method for contacting individual electors. There are 123 days remaining until the proposed date of the next referendum. Given the truncated time frame, now is not the time to be conducting experiments with the machinery that administers our democratic process. From the census we do know that almost 20 per cent of households do not have internet access. Clearly, if you do not have internet access at your home your ability to use email is severely curtailed, particularly for those older Australians who may be less familiar with the technology.

The other major concern with the bill is that it suspends restrictions or limits to the ways the government can spend to promote the case for and against a proposed change. This is contained in section 11, subsection (4). Presumably the intention here is to leave it open for the government to spend as much money as it sees fit promoting one side or the other of the argument. There is no provision here to require the money to be divided
equally between a yes case and a no case. It is deeply concerning, as I said: if we are going to propose changes to the Constitution, we need to ensure that electors are properly informed about the issues and the cases for and against on an equal and fair basis. I might add that in a perfect world, taxpayers would not be asked to pay for anything that in our civil society individuals or their organisations would fund from their own funds, and would find voluntarily from taxpayers the funds needed to argue their particular case. But that is a debate for another time in, I suspect, some very distant point in the future.

The manner in which this bill is being dealt with is typical of the approach of this government—rushed, last-minute and designed to conceal information from, rather than reveal information to, the people of Australia. I cannot but imagine how disappointed and downhearted our professional bureaucrats must feel when their professionalism is constantly put to the test rushing legislation forward, not being able to put the best stamp that they can on our democratic process and ideas for reform and change.

In conclusion, along with my colleagues in the coalition I am opposed to this government's unseemly rush and its attempts to prevent the people of Australia from having a chance to pass judgement on its appalling record in office. It is seeking to distract voters at the next election with other issues—including a process that has been set by historical precedent—that a good government would pursue separately from this federal election.

Senator FIERRAVANTI-WELLS (New South Wales) (10:24): I too rise to speak on this bill and make some observations. What we are seeing here today is a desperate government that is seeking to take the minds of ordinary Australians that are going to be making judgements off their shambolic record and trying to confuse the issue on election day by putting up this referendum. Instead of focusing the attention of Australian voters in the days before the next federal election on its record, the government is now, in my view, putting forward what is clearly a red herring.

Let us look at the bill that is being rushed here with such unseemly haste and, again, I reiterate the comments that have been made by both Senator Back and Senator Smith about the appalling conduct of the Greens in this matter. They come in here all the time trying to be holier than thou, but when push comes to shove they will always do what their political masters are instructing them to do, and they will always get into bed with them. It does not matter: you can go out there and you can talk about wanting transparency and being holier than thou, but you are always in here supporting the government's agenda, supporting the guillotine. As other coalition senators have said, we are going to see in the coming weeks legislation that is going to be truncated, and debate that is going to be truncated, and the guillotine imposed, and you are going to be right there next to them.

To these bills now at hand: there are two amendments that are before us, one of which will remove the provision of this bill contained in the schedule which seeks to remove the need for the yes/no pamphlet to be posted. This bill substitutes 'sent to each address'. We are very concerned about this because, by getting rid of the word 'posting' and substituting it with 'sending', we are going to allow the Australian Electoral Commissioner to send information to an address that he considers appropriate. We have had discussions in this place last year, and certain comments were made when we were discussing the Electoral and
Referendum Amendment (Maintaining Address) Bill 2011. It is our strong belief that the Australian Electoral Commissioner should not be assessing what is the appropriate address or particularly an email address which the minister in his second reading speech has indicated has been contemplated.

Instead the Australian Electoral Commission should be focusing its attention on meeting its current obligations under the act and focusing on maintaining the integrity of its roll. There is no official register of emails for electors. There is no data that was collected in the census that shows how many people have emails. Moving away from the effectiveness of material being posted to electors and to each elector, this is a fundamentally important aspect of any constitutional change. When there is a referendum, it is vitally important that electors are fully informed and, as Senator Ryan has said, there is no better way to be informed than receiving a piece of correspondence that has been posted to you by the Australian Electoral Commissioner so that you can fully comprehend what you are about to vote on, whether you are contemplating voting yes or whether you are contemplating voting no.

As the coalition has argued, we are vigorously opposed to automatic enrolment and the use of government departments to provide the AEC with information to be used to automatically enrol people to the electoral roll. This is in the same vein as arguments we were opposed to last time—that is, watering down the information and the ability of the elector to be fully informed. There are no statistics that have been collected on the number of electors who have email addresses. There is no data.

Let us go back and have a look at the dissenting report of coalition members to the Standing Committee on Legal and Constitutional Affairs, which was brought down in December 2009. There was a reason coalition members dissented to recommendation 3, and I would like to examine those reasons in the time available to me. The report states:

If adopted this recommendation would result in the Yes/No booklet be delivered to every household instead of every elector. We strongly disagree with this recommendation. Household distribution would reduce the number of people who had access to the Yes/No case.

Absolutely. If you have five electors in a household and one piece of correspondence goes to them, what are the chances that all five of those electors will be properly informed at the end of this process? When one receives material in one's letterbox that is addressed to the householder the reaction of most people is to simply take that material, put it in the round filing cabinet and not read it. That is precisely what is likely to happen in this circumstance.

As the dissenting report noted:

Referenda to change the Australian Constitution are significant events and require the engagement of as many Australians as possible. All politicians know that communicating with their constituents via direct, personalised mail is far more effective that a letter delivered 'To the Household'. It therefore seems rather odd that the Australian Government would reduce the direct delivery of official information regarding referenda.

The dissenting report also quoted evidence given by Ms Cheryl Saunders:

Even constitutional expert, Cheryl Saunders, whose view of the Yes/No case via the mail was that 'I would be doubtful that it is very useful even for older people', went on to say '…but you may have research that shows differently, and you are the members of parliament, so you know what your constituents do.'

That is precisely the case. As politicians we know that correspondence that is forwarded to our constituents and directly addressed to
them is the most effective way of communicating with them.

Let us move now to the second amendment that the coalition is moving. The amending bill seeks to suspend the operation of subsection 11(4) for the period up until the end of election day. Let us not forget—and it is very important to remember—that this provision was placed in the legislation to curtail unnecessary expenditure; in other words, to put a cap on it. It specifically states:

The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or the argument against, a proposed law except in relation to:

(a) the preparation, printing and posting, in accordance with this section …

The section goes on to talk about translations into other languages of the material contained in those pamphlets, preparation of material suitable for those who are visually impaired and distribution or publication through the internet. Therefore, specifically, if this subsection were to be suspended from operation, as is provided for by this bill, it would leave it open to the government to spend as much money as it would like promoting one case or the other.

Whilst the Standing Committee on Legal and Constitutional Affairs did recommend that spending be directed to referendum education and to equal promotion of the yes and no arguments—that was obviously in the minds of the people on the committee who made the recommendation—there is no provision in this enabling machinery legislation that requires money spent by the government to be spent equally on the yes case and the no case. Clearly, even in the dissenting report there is a recommendation that recommendation 11 be supported. So, this proposed change is not in the tenor of the report itself, because it was clearly contemplated that it would not be put that way.

So, let's look at the Spiegelman report which, as we know, is the report of the Expert Panel on Constitutional Recognition of Local Government. It was pointed out in that report that there was a need to ensure that the presentation of the arguments for the cases was not left solely to the politicians and local government representatives. That report does contemplate having other people in the community being involved in this process. What we are now seeing is a government that is going out there deliberately to confuse people. And we are seeing the possibility of a government wanting to have absolute freedom to have a media campaign of one sort or another—probably using existing regulations for advertising—unfettered by this provision in the machinery legislation.

We do have existing regulations that deal with government advertising. Most of the time this government chooses to ignore those. We have seen them ignored repeatedly—especially in relation to how the government proceeded on the so-called health reform advertising—but in this situation government advertising would be unfettered.

We are likely, then, to see a truncated period of time to put the cases. Irrespective of what one's views are in relation to this question of the recognition of local government, even the Spiegelman report outlined that fewer than 30 per cent of voters can be said to feel sufficiently strongly committed at this time to recognising local government. But leaving that issue aside, every indicator—including the indications of the AEC itself—is that a truncated period in which to prepare all the information for a referendum would expose the referendum to
risk of insufficient information being made available.

Under these circumstances, why are we suspending this provision? This government has just delivered—it happened yesterday evening—a budget which confirms Labor's financial and budget management to be in complete chaos, and which does absolutely nothing to help Australian families with the rising cost-of-living pressures. In economically uncertain times, this budget delivers more debt, more deficits, more taxes, more broken promises and greater uncertainty for ordinary Australians. At this particular time it is absolutely economically irresponsible to be spending money outside the provisions already contained in the Referendum (Machinery Provisions) Act to ensure that information is properly sent out to the electors of Australia. As I said, this is clearly another stunt and another exercise by this government to attempt to take the minds of ordinary Australians off the real issue for the next federal election, which will be a referendum on this chaotic government. It will be a referendum on the carbon tax, a referendum on the trust aspect of this Prime Minister. Let us not forget that the real issue here is the Prime Minister's indication to the electorate at the last federal election, when she said, 'There will be no carbon tax under a government I lead.' The litany of broken promises that followed that very big broken promise mean that history will judge the Prime Minister very badly.

After six years after we do have? We have debt; we have lots of spin. Australians are desperately seeking stable and competent economic management, and they have not had that from this Prime Minister and not from this Treasurer. The Treasurer's budget and his budget speech yesterday evening demonstrate even further the criticism that is warranted of his absolute chaos as an economic manager. This government has failed to set out a credible strategy for the coming 12 months or the next six months, let alone for the next decade. The Treasurer has failed to indicate to the Australian public where the money is going to come from for his big-ticket announcements and how this government proposes to find the money to spend on these initiatives.

What does this budget actually deliver? That is what is going to be foremost in the public's mind and what should be foremost in the public's mind at the election on 14 September, not some question about local government that is some sort of diversification tactic from the fact that total gross debt will breach the $300 billion debt ceiling over the forward estimates. This is Labor's fifth record deficit in five years with at least two more deficits to come. There is no credible path back to surplus. There are more broken promises, such as the scrapped tax cuts and family payments. There will be more than $25 billion in higher taxes over the next four years and an extra $100 million spending on government advertising. This budget confirms that Labor's financial and budget management is in utter and complete chaos.

In conclusion, I support the amendments that Senator Ryan will be proposing on behalf of the coalition. The first relates to the need to continue to send by post the yes/no case to every elector. And, the second amendment is to remove the provision that would suspend the provisions of section 11(4).

Senator BERNARDI (South Australia) (10:43): I must say, I am quite surprised to be speaking on Referendum (Machinery Provisions) Amendment Bill 2013 this morning. Not because I do not want to speak on it, but because the government has rushed this in with very little notice in order, I believe, to create a further magnificent distraction from their overwhelming failings
and to hide those from the Australian people. The essence of this magnificent distraction is going to be built forward towards the next election when the government has mooted that they will hold yet another referendum on the constitutional recognition of local government. This follows the failed referendum from the Whitlam era, in 1974, which garnered less than 50 per cent of the support of the Australian people. It follows the 1988 referendum on the same question by the Hawke government, which failed to obtain even 30 per cent approval from the Australian people. And yet we now have perhaps the most flawed, and certainly the most unpopular, government in the history of this country putting forward the same question, which the Australian people clearly do not want, in order to detract from the anger that will be directed its way come election day.

It is a matter of record that experts say referenda should not be held on election day because they are a distraction. The advocates for the proposal, including Senator Conroy, say it is a small change to our Constitution. How can we make a small change—I believe it is a radical change—on election day without appropriate discourse, discovery and communication with the Australian people? The government will purport that the bills before us right now will facilitate discourse and the dissemination of information to the Australian people about the forthcoming referendum. I disagree. I think these changes are wholly unnecessary. I would suggest that the maxim 'If it ain't broke, don't fix it' applies in this circumstance. The important part of that phrase is that we know our Constitution is not broken and does not need to be fixed. The Labor Party know that the constitutional mechanism for referenda and the facilitating bills that have historically moved through this place are not broken. But they want to fix it so they can try and engineer the outcome that they desire.

It is quite right for the Australian dollar to be cynical of everything that this government in particular does in its desperate need to cling to power, to plan ahead, to centralise power in Canberra and to put it in the hands of what the Labor Party and their allies in government have always deemed 'the worthy elite'. They are scared of the Australian people actually having a say, and they want to engineer this by making changes to the Referendum (Machinery Provisions) Act. They are rushing this bill through this morning.

Government members interjecting—

Senator BERNARDI: I note the chattering classes over there who once again are not prepared to listen but only to interject. The problem we have with Senator Conroy and Senator Polley over there is that they are defending the worst government in the history of this country. I will not take a lecture or any advice from a minister who has a track record of abject failure in his communications portfolio—except, as I say, in obtaining skiing holidays and accommodation from Eddie Obeid and others. He is very successful at ingratiating himself with billionaires but he is not so good at talking and communicating with the Australian people about the benefits of these programs. But I digress—and I should not be sidetracked by the rude interjections of Senator Conroy.

I want to come back to the point that the Labor Party think they are better conduits of information to the people than the people can obtain for themselves. They do not want fairness and balance; that has never been part of their DNA or their modus operandi. That is why we are seeing these changes in this bill coming forward. The first of these changes is one of the most significant—and
it is one in which I have some expertise, as Senator Conroy will attest—and that is in communications directly with members of the public. This bill provides that communications do not have to be 'posted', in the literal sense of using Australia Post, but can be emailed and the use of the internet can apply. I make the point that in the last referendum, on 6 November 1999, that glorious day on which our constitutional provisions were upheld and our recognition of the constitutional monarchy was overwhelmingly supported by the Australia people, the AEC used the internet to communicate the yes/no case; it was available for people to download from the internet. The internet is not some mythical creature that has been invented by Senator Conroy—he may lay claim to Al Gore's legacy in this respect, but the point I would make is that the internet and the use of the internet is not necessarily changed by this bill. There is no specific provision in it. What this allows is for the AEC to email people on their database, which can be obtained by various other government departments, and that would then constitute the basis of an appropriate communication with the individual voter.

I think that is wrong, based on my own experience. I maintain perhaps one of the most extensive email lists of people right around the country, and I communicate with them on a regular basis. I certainly know that the Prime Minister's office is a subscriber to my email list, and I suspect that Senator Conroy's office is as well. I also know, because we can manage these things, that many of the email addresses we have, which people have put into our databases and which they subscribe to because they request my communications and my common-sense political message, change on a regular basis. I also know that many of them become inactive as people move to another email service provider or as they want to prevent spam from getting into their inboxes. You have this enormous problem that an email list and communication by email are only as good as the last email you sent. If the AEC or anyone else thinks they are communicating with people via their email addresses, if it is not done on a regular basis, they do not know whether that email address is live or not and whether they have been able to communicate with people.

Further to that, there are people who are not slaves to email. They do not check it every single day, or three, four or 15 times a day. They do not walk around with their heads down and eyes glued to their Blackberries. There are people who open emails once a week or once a month. They go on holidays. How can anyone with any certainty accept that this is an appropriate means of communicating about something as important as information in support of or against a referendum question—questions that will determine the future governance of our country? I am happy to have that open, and be satisfied as to this as an appropriate means, but please do not peddle this as something that is a necessary change in order to update ourselves to the latest communications. I understand that that is what the Attorney-General is putting out there.

The Attorney-General, I have found, is a man of limited credibility: I was on the ABC with him once and I caught him telling a direct untruth. I have never rated him particularly highly ever since. How can you have a man saying one thing and then contradicting himself a moment later, saying he is telling the truth? It beggars belief. I am sure that one of his statements was true; I am not sure which one. We are wise to be cynical about that aspect of it.
The other thing I think we should be cynical about is this determination to communicate with households and not directly with voters. I think it makes many presumptions, not the least of which is that someone who opens a letter addressed to the householder is instantly going to share that with every other eligible person in their family. That simply does not happen, and I will come back to that in a moment. The other aspect is, and I do not know how many other people are like this, that when I get mail addressed to the householder it is not on my priority list of things to open. Sometimes they come in yellow envelopes with marketing material and promotional stuff; other times you just know that they are what I would term political junk mail or propaganda. If it is not personally addressed to you it takes on a far lesser importance. How can anyone seriously suggest that a constitutional change is somehow of lesser importance than a directly addressed letter from your local politician talking about the latest mumbo jumbo that they have achieved in parliament?

Last year, if I recall, we got directly addressed mail in my electorate from a government minister talking about how the path to surplus had been re-established, that we were going to have a surplus next year, that deficits were over and the global financial crisis was behind us and that the government's management of the economy was so stellar and sterling. We now know that it was all nonsense—and arrant nonsense at that. They spent the money to address that personally to each individual elector in that division. This government thinks it is okay to peddle that sort of nonsense and propaganda in a directly addressed mail piece, yet they do not think it is appropriate for the AEC to communicate directly with the Australian voter about something as serious as a constitutional change. It beggars belief and puts into perspective, once again, the priorities of this government.

A further point that I would like to touch on, which Senator Fierravanti-Wells also addressed, is the use of public money to promote or dissuade people from taking a particular point of view in a referendum. I believe it is absolutely appropriate for governments of any political stripe to use public money to fund a yes case and a no case for referendum questions. It is appropriate to put forward provisions, within budgets and within our governance arrangements, to have essential information communicated in a non-partisan fashion to the Australian people for them to make up their minds. It is then up to organisations or groups or individuals who want to facilitate that and enhance that communication to run their respective campaigns. If governments want to fund their respective campaigns outside the necessary provisions of the Electoral Act, then they should do so in an equal and bipartisan manner. It does not matter whether I agree or disagree with what has been put forward or the necessity of it.

Our Constitution, by some great quirk of fate or some ingenious design, has served us very well through good times and bad, through crisis and through any number of challenges. But the challenge we have before us is that governments may seek to game the system. And that is what we have. When they are seeking to game the system, we are all wise to ask the question, 'Why?' This bill allows—notwithstanding what the government may say—a clearly partisan funding of one side of a proposal to reform or change our Constitution. That means Labor's great dream of centralising power in Canberra—bypassing the states and allowing the Canberra bureaucrats or the Canberra politicians to control local communities and decisions that take place in them—can be
funded to the tune of millions of dollars, or maybe tens of millions of dollars, while the common-sense proposition of saying, 'Hang on, it's dangerous to concentrate power in Canberra. We need the checks and balances offered by the federalist system,' will not receive any funding.

If that provision exists, given the track record of this government to use their legislative power and their executive decision-making power in partisan fashion in a desperate attempt to cling to power, how can we trust them to play an even hand at the forthcoming referendum? The simple answer to that is that we cannot. The Australian people know that we cannot trust this government and they know that we cannot trust their agenda, because what they have said successively over the last six years has been borne out to be false, again and again. They have not delivered on the promises they said they would deliver, they have broken promises they said they would not break, and they have delivered and squandered budget deficits with huge amounts of debt for this country. Now they somehow want to shackle local communities to decision making in Canberra. That is what the next referendum is all about: concentrating power in this place. I happen to believe, in principle and politically, that we should be allowing decision making to be made closer to the people, because those decisions will always be more relevant to their needs than to ours.

This bill is being rushed into this place today to allow these new provisions—which I believe are wholly unnecessary for a fair and balanced case to be put forward—to be applied to the forthcoming referendum. I believe it is a referendum that is destined to fail, because, from what I can pick up, it is opposed by the majority of states, and the Australian people think it is, at best, a third- or fourth-rate issue, with less than 30 per cent of the populace wanting to support it. Yet notwithstanding that evidence, notwithstanding the evidence from the AEC that says you need at least 26 weeks to build an appropriate case to support a constitutional referendum, notwithstanding the Spiegelman inquiry saying, 'Don't put it forward at this next election,' and notwithstanding the fact that no-one out there is talking about this, the government is proceeding with it in the hope that it will somehow slip through in the anger, the disappointment and the sense of disillusionment that people have in this government.

The government is hoping that it will be able to run a magnificent distraction that will have one of two results. It might allow the government to cling to a couple of seats because people are distracted by this referendum question or, if no-one is interested in it—I assure you that people will become interested when they know exactly what it is all about—if people are not really engaged in it and they just focus on anger at the government, somehow it might slip through and get a yes vote. That is the strategy here. I think it is quite clear to see. It is once again duplicitous. It is deception by a government that is absolutely desperate to take the focus off its own failings.

This bill is not in the interests of the Australian people because it is overriding the bipartisanship that has hitherto applied to referendum questions, where both sides have an equal say, where both sides receive equal funding, just as they did on that glorious day on 6 November 1999—a glorious day. This government is seeking to challenge that. This government is seeking to overturn convention, as it does. It does not respect tradition. It does not respect the separation of powers and the wisdom of that. It does not respect the innate virtue of allowing the Australian people to determine, in their own...
fashion, unpressured, whether they think Canberra based politicians and bureaucrats should have more power over their local communities. That is why it concerns me.

I support the amendments that are going to be put forward by the opposition because they will improve a bad bill, but this bill is unnecessary and should not stand.

Senator RHIANNON (New South Wales) (11:03): The Referendum (Machinery Provisions) Amendment Bill 2013 takes us a step closer to holding the urgently needed referendum on constitutional recognition. It is widely recognised in Australia that this recognition is long overdue. Constitutional recognition of local government means a great deal to so many people across this country. I had the opportunity to sit on the Joint Select Committee on Constitutional Recognition of Local Government, and I was particularly struck by the number of submissions that came from country councils.

It is interesting to hear the contributions from the coalition, because from what I have heard they are certainly not representing the views of many of their own constituents, who recognise the urgent requirement for this constitutional recognition to give their councils certainty with regard to the funding that they urgently need. They need to know that funding will come from the Commonwealth government not only for programs like Roads to Recovery but also to give certainty so that they can spend other parts of their budget on various programs, including things like Meals on Wheels, and councils in Queensland are talking about their plans for light rail. Many of those councils spoke of their uncertainty if we do not get this referendum in place.

The Greens obviously recognise the importance of maintaining the integrity of the referendum process, the integrity of the way in which the referendum is held. We need to ensure that the machinery is in accord with what is set down and with what facilitates our democratic process. But, in listening to the opposition speakers, I have become increasingly concerned that, while the lead speaker for the opposition, Senator Ryan, stated that this is about the integrity of the process, there are other opposition tactics going on here. You start to feel that the intent here is to throw up roadblock after roadblock (1) to make it much harder to get to the referendum but (2) to discredit the progressives who are supporting this and to try to cause more chaos. It looks like the coalition have reverted to their default position of 'Let's approach everything by putting a shroud of negativity over it.'

We must not be distracted. We really need to stay with this important issue of getting the machinery in place for this all-important referendum. This issue is bringing about uncertainty. In addressing the machinery, we should never forget the politics of what we are dealing with here. Many of these councils are grappling with fundamental issues. I did mention Roads to Recovery and I want to stick with it, because it came up time and time again from so many councils keen to maintain the safety of their roads, rebuild bridges and create sustainable transport. Many councils believed the program was under threat because of those High Court cases. We are getting closer now; we have to get the machinery right. We have legislation before us that ensures that the referendum can be presented as effectively as possible.

There is provision for the department to spend money on this referendum. We have heard from the coalition that they want to knock that out. As I read that, it implies that the department would not do the job properly in presenting the case—and here again you see the coalition arguments fall down. On the
one hand they are saying that the public need to be more informed, but on the other hand they want to move these amendments. I have considerable concern about how the coalition is conducting themselves in this debate. Senator Bernardi did let the cat out of the bag by setting out considerable opposition to the very notion of constitutional recognition, let alone the referendum itself. What we are seeing here today is the coalition running a guerrilla campaign of political disruption at every opportunity. Now they are using this legislation to continue that particular pattern of work that we saw around climate change measures and other progressive legislation that comes before this house.

The way the Liberals and Nationals are using this bill in the debate is very informative, because it is not about protecting the integrity of the referendum process and making sure the machinery works; it is about causing maximum confusion and disruption. If the opposition played this out in the way they wanted, it would be a setback to their own constituents. Many of those who live in rural and regional areas recognise that we do need to get constitutional recognition in place to give certainty to local councils so they can get on with this work. The bill that we have before us is an important step towards achieving that.

Senator BIRMINGHAM (South Australia) (11:09): The Referendum (Machinery Provisions) Amendment Bill 2013 has been brought to the chamber unexpectedly today in a way that demonstrates the ongoing chaos that exists in the government's ranks, the ongoing chaos that exists in the government's legislative program and the chaos they are now extending to the treatment of this nation's most important document—the Constitution. I listened to Senator Conroy groan and moan across the chamber, so it should not come as any surprise that this government treats the constitution with as much contempt as it treats so many other facets of the Australian polity. In the end the Labor government has treated the Australian people with contempt throughout its reign, happily going to an election, saying one thing and then doing the opposite afterwards—happily rolling out budgets where it promises one thing and does the opposite afterwards. In this sitting week we have been reminded so vividly of their contempt for the Australian people in that regard. Whether it was the carbon tax at the last election or the surplus in the last budget, this is a government that consistently has said one thing and done another.

Equally, this is a government that treats the parliament with great contempt. We consistently see guillotines applied in this place to ram legislation through; we see a constant changing of the government program and the order of business. This bill was well down the order of business for today. I came into this chamber this morning ready to continue debate on the Environment Protection and Biodiversity Conservation Amendment Bill 2013. Indeed, until prayers were concluded this morning, that is exactly where I expected the debate would be going. Senator Ryan, who has carriage of this legislation on behalf of the opposition, only had a few more minutes' notice that in fact he was going to have to take off on the referendum bill instead.

It is a sign of contempt not just for those of us who work in this place and deal with the government's ever changing priorities but also for those people I know to be interested in the EPBC bill, whom I noticed sitting in the gallery at the time of the prayers. They had planned to be here to watch the debate occur on that piece of legislation. They had arranged their plans in accordance with the government's published schedule. Because the government operates in a constant state
of chaos and contempt, it had changed its mind and decided to bring this bill on instead. It is one thing to treat the people with contempt and it is another thing to treat the parliament with contempt, but it is something altogether to treat the nation’s constitution with contempt. That is what the government are doing by pushing ahead as they are with proposals to change Australia’s constitution at the eleventh hour of this parliament. There are just 123 days to go until the scheduled election date at which this government wants to put a question to the people to change the constitution. In terms of having proper planning and proper processes for a constitutional debate, that is incredibly short timing. Senator Rhiannon just described the need to enact this change as an urgent issue.

That is something that can be debated and no doubt will be debated when the actual question for the referendum comes through this place, but what does beggar belief is that this is an issue that has been around for decades. It is an issue that has twice before gone to referenda and twice been rejected by the Australian people at such referenda. This government has spent inordinate time discussing this issue, setting up committees, and looking at the process of how it might bring a question forward. Every sign was there that the government was not going to go ahead this time around because the clock had ticked too far and it was running too late. But then the government changed its mind at the eleventh hour and said it would bring forward a referendum despite the incredibly short timeframe. But it is not just a contempt to bring forward that referendum: not satisfied with that in the short period of time there is for consideration, the government has also decided that in that short period of time they want to change the rules for the referendum as well.

That is what this specific bill, the Referendum (Machinery Provisions) Amendment Bill, seeks to do—it seeks to change the rules for the referendum that the government is seeking to put to the Australian people in 123 days' time. Why are we debating this bill with such urgency today when it was not the first bill listed on the Notice Paper? Because the government has realised that if it does not get the machinery provisions bill passed first, then its question will be put under the old rules. The government could have got on and dealt with this machinery provisions bill a long time ago—it has had plenty of forewarning that it was at least still thinking about having a referendum—but, because of the government’s own chaotic nature and because of the shambolic approach it brings to the legislative program, it failed to do that. So today we have to come and debate this legislation to change the rules under which the referendum will be held, just 123 days before the proposed referendum.

These are serious changes to those rules. We should not doubt the fact that these are changes that could have a significant impact on the way the referendum is conducted. Australia’s constitution has served us extremely well throughout the life of our federation. The Australian people have shown great reluctance to accept change to our constitution. They deserve to be treated with respect when they are asked to change our constitution. That respect should include sufficient notice for a proper debate and it should ensure that those who are required to prepare the information needed for such a debate are given appropriate time in which to prepare that information. In the discussions about this referendum, even the Australian Electoral Commission flagged that there were real risks that information would not be given in a proper manner if there were insufficient time for its preparation. It seems
that that is not a priority of this government. This government, it appears, wants to subvert the way in which information has historically been given to the Australian people in referenda.

The Referendum (Machinery Provisions) Act of 1984 was actually passed by the Hawke government. It put in place incredibly fair arrangements—fair arrangements that ensure that every voter receives yes/no cases, so that people can make their own minds up based on factual information that assesses the arguments for a case to change our constitution and the arguments against it. It is a very mature and sensible approach. It also ensures that the government of the day cannot use its overwhelming resources to campaign one way or the other. We politicians are of course free to go out and argue our cases as much as we want. Political parties can spend their money on the questions, if they so wish. Lobby groups and others can spend their money. But this is one area, thankfully, where the government's hands have historically been tied—where the law says that the government itself should not use taxpayers' money to advocate a change to the Constitution; the government should simply present the cases for and against to the Australian people and let them make up their own minds. The changes in this proposed legislation subvert those traditions put in place and enshrined in legislation by the Hawke government in 1984.

There are two particular aspects of this legislation that the coalition has grave concerns about. The first relates to the redefining of certain terms within the act and to the redefining of those terms as it relates to how that yes/no case is put to voters. Those changes firstly replace the word 'elector' with the word 'household' and secondly replace the word 'posted' with the words 'sent to each address'. Those changes could sound somewhat innocuous to many people but, in fact, those changes could have quite a dramatic effect in terms of how the government complies with the act. Under the current act it is very clear: every registered voter must receive their own copy of the yes/no case and it must be posted to them. There is no room for ambiguity. There is no opportunity for the government of the day to subvert that in any way, shape or form. If you are on the electoral roll, you get the yes/no case and you have that chance to sit down and work your way through it.

If the government's proposed changes are adopted, then there is a real risk that voters will not necessarily receive a yes/no case with such certainty, because replacing 'elector' with 'household' means that rather than a direct mail piece that goes specifically to the voter in question, the yes/no case could become essentially another piece of junk mail that goes into each household. It does not have to be addressed to the voter or targeted at the voter but could simply be distributed with their Coles or Woolworths catalogues, if the government chose to take that shortcut. Indeed, as other colleagues have raised, replacing the term 'posted' with 'sent to each address' opens up the possibility of the government deciding to use email as an alternative. In time, that may well become a viable proposition. But right now the likelihood that the AEC would have the capacity to accurately send emails to ensure that every voter got a copy of the yes/no case would be very slim, because the accuracy and comprehensiveness of such lists are sorely lacking. Removing the term 'posted' and replacing it with 'sent to each address' also removes the requirement to use Australia Post—the credible, traditional and reliable pathway of getting this information into the hands of every household—and puts it in the hands of whoever the government or the AEC decides to use. That is how you
could have the scenario of your yes/no case for serious constitutional change simply being enclosed between your Coles catalogue and your Toys R Us catalogue that get crammed in your letterbox and in many cases simply then get dropped straight into the recycling bin. We have very serious concerns about these particular changes to definitions. The government should be honouring the time honoured tradition of ensuring that the yes/no case is posted to every voter so that we ensure that every voter is thoroughly informed and able to make their own decision.

The other change proposed here is even more grievous and even more concerning. The other change relates to the operation of section 11(4) of the Referendum (Machinery Provisions) Act 1984. Section 11(4), it is proposed, would be suspended from operation for the period up until the end of election day on 14 September. The government is not necessarily proposing to knock it out for all time but for the particular referendum that the government wants to put up this time. That makes it an especially extraordinary change. Why would the government want to knock out a provision that has been there since 1984, when the act was passed, and just exclude it for the purpose of putting this one question.

What does section 11(4) say? It is a long one but it is important that it is put clearly on the record. It says:

(4) The Commonwealth shall not expend money in respect of the presentation of the argument in favour of, or the argument against, a proposed law except in relation to:

(a) the preparation, printing and posting, in accordance with this section, of the pamphlets referred to in this section;

(aa) the preparation, by or on behalf of the Electoral Commission, of translations into other languages of material contained in those pamphlets; (ab) the preparation, by or on behalf of the Electoral Commission, of presentations of material contained in those pamphlets in forms suitable for the visually impaired;

(ac) the distribution or publication, by or on behalf of the Electoral Commission, of those pamphlets, translations or presentations (including publication on the internet);

(b) the provision by the Electoral Commission of other information relating to, or relating to the effect of, the proposed law; or

(c) the salaries and allowances of members of the Parliament, of members of the staff of members of the Parliament or of persons who are appointed or engaged under the Public Service Act 1999.

What is the effect of this section 11(4) that the government proposes to suspend? At present, section 11(4) ensures that the government can only spend money going into the referendum to provide the yes/no case fairly to voters. That fair provision then leaves the funding of arguments in favour of or against changing our constitution to those outside of government that may wish to take it up.

It is unfortunate in many ways that we do not have this type of provision to prevent all manner of other political advertising that governments have historically undertaken and that this government has, as it has gotten closer to the election, been increasingly desperate to undertake. Such a restraint is a good thing to have, because it ensures that governments simply put the question in a fair way. If the operation of this provision is suspended—if 11(4) does not apply and the government is able to spend, finance or freelance willy-nilly in relation to the referendum question—then the government will be fully within its legal rights to offer funding to proponents or opponents of the referendum question in unequal amounts. It will be fully within its legal rights to offer that funding to only one side of the debate or
to itself fund campaigns arguing for the yes case or the no case.

In the end, we should have faith that the Australian people are able to make the right judgement based on the facts. It should not take a slick marketing campaign funded by taxpayers, by voters, to argue the case for constitutional change. Constitutional change is too important to be left to slick marketing campaigns. It must be a case of trusting the judgement of the Australian people and trusting them to read and assess the arguments for and against. As is provided for, those arguments should be able to be translated into other languages and made suitable for the visually impaired and they should be accessible to people online as well as through the post. All of that is provided for to ensure that people have equitable and fair access to the yes case and to the no case. But sadly this government wants to suspend the fairness provisions of the referendum act so that they can argue a case or fund the argument of a case that suits their ends.

The handling of this bill, the timing of this bill and the content of this bill are all just examples of the contempt that this government has for the parliament. This is how it treats the Australian people and the Australian Constitution. Our constitution deserves better than this. The Australian parliament and people deserve better than this. If we are going to have a referendum on 14 September, it should be one that is fought fairly and fought in a way such that the Australian people can be guaranteed that they will be informed in an equitable, fair and reasonable manner of both sides of the argument. For those reasons, these provisions in this bill should most definitely be opposed.

Senator Conroy: They've brought in the big guns.

Senator SINODINOS (New South Wales) (11:29): The big guns are here, Senator Conroy. Good to see you; good to see you getting educated in the ways of the Senate. I rise more in sorrow than in anger because the debate on the Referendum (Machinery Provisions) Amendment Bill has been brought on by a government seeking to rush a series of machinery measures through that will allow it to facilitate, in its mind, a constitutional referendum proposed to be undertaken concurrently with the election which, to date, is still to be held on 14 September.

It is interesting that the bill implements a couple of recommendations, recommendation 3 and recommendation 11, of the House of Representatives Standing Committee on Legal and Constitutional Affairs report of 2009, called A Time for Change: Yes/No? I say to those who are in the chamber or watching this debate: the government in 2013, almost at the death knell of its time in office, has suddenly woken up and said, 'This is the time to respond to the standing committee. This is the time to show the parliament respect as an executive by putting forward a bill to implement certain recommendations.' You ask yourself of this government: why, what is the motive? At the eleventh hour, five minutes to midnight, as the clock ticks down to 14 September, what is the government up to? Well, the government has decided for strategic reasons, for political reasons, that it would have a referendum in association with the next election—a referendum around constitutional recognition of local government. The government will say that in part it has been motivated by a number of court decisions which throw doubt on the capacity of the Commonwealth to directly fund local government. The history of referenda in this country is that very few of them succeed anyway, and those that do
succeed do so after lengthy and fair consideration of the yes and no cases, and with adequate opportunity for the community to debate the measures, to consider the measures and to hear both sides of the case.

In this particular case, with the referendum slated for the election, it is understood that the Spiegelman report, which is the shorthand expression for the Expert Panel on Constitutional Recognition of Local Government, has pointed out that there is a need to ensure that the case for the proposed constitutional change is not left solely to politicians and to local government representatives. There is very good reason for this. The report goes on to say that, if the government wishes to have the referendum passed, other people in the community have to be convinced of the need for it to occur. We are only slightly over 100 sleeps away from 14 September, from election day, and the government has decided, as a last minute burst, that it will put up this particular referendum and argue the case. It is just trying to muddy the waters and confuse the voters. By bringing in this issue it is trying to create a constituency, or expand its constituency beyond its narrow trade union base, by seeking to get local governments, local councils and their supporters and stakeholders onside. This is politics; this is not about considered constitutional change. The way to get change in this country is to embrace both sides of politics in a genuine bipartisan consensus and then move to use that consensus as a basis to build public support for change. That is not what is happening here.

The Spiegelman report found, having commissioned research on the support for a proposed referendum, which has only just been announced in effect, that fewer than 30 per cent of voters can be said to feel a sufficiently strong commitment at this time to the idea of recognising local government to provide high confidence they would support it at a referendum. So, at this very late stage, every indicator—including the Electoral Commission, which has indicated its concern about the amount of time available to disseminate information on this important matter—shows that a truncated period in which to prepare all of the information for the referendum would expose the referendum to the risk of insufficient information being made available. That is the problem. The government is truncating the space in which this issue will be considered. That will, therefore, further muddy the message coming out of this election, because this election pre-eminently has to be a referendum not on the constitution, not on the status of local government, but on a government which has undermined the process of government in this country. It is a government of which the members opposite are very much a part—the Gillard government.

There are a couple of amendments which are raised in the context of this machinery bill that I wish to address. The first has to do with recommendation 3 of the committee’s report, which recommended that the Australian government introduce amendments to the Referendum (Machinery Provisions) Act 1984 to require a yes/no pamphlet to be delivered to every household and not to every elector. The coalition opposed this recommendation in its dissenting report and believes that a yes/no pamphlet should be delivered to every single individual elector. Again, here is the spirit of collectivism that pervades this government. People are no longer people, they are no longer electors, they are no longer individual voters; they are part of a household and the household gets a pamphlet. Households can have more than one person in them, by definition. More than one person can share a
household. Who gets the pamphlet? Who fights late at night over reading the yes/no case? Who has the right as an individual? We all have rights as individuals. One right is to have our government give us information as an individual, to be treated and recognised as an individual and not as part of a household.

The yes/no pamphlet is required by the existing 1984 act which was introduced by the Hawke government. It was no creation of the coalition. The yes/no pamphlet provided by the Electoral Commission highlights the yes case and the no case in one pamphlet. It was designed so every elector could make their decision on proper information. You could keep the pamphlet and refer to it; you could carry it on the bus on your way to work and refer to it. You did not have to share it with anybody else. Every elector, not household, should have the right to receive this information. By removing the word 'elector', the government is furthering another agenda: its agenda promoting automatic enrolment, where the commission finds ways to enrol you so you do not have to go to the effort of enrolling yourself.

We have had a long debate in this country about the role of voluntary voting versus compulsory voting. I happen to be in favour of compulsory voting. I think everybody should have a stake in democracy, everybody should own the decisions of that democracy and they should be forced to make those decisions if they are not willing to do so voluntarily. I think it works better that way. Perhaps it is a violation of some individual rights, but it is to meet a higher right, which is to make sure that democracy better reflects the outcomes of society as a whole. But in that context we should not make it too easy for people so that they say, 'Someone else will enrol me. I don't have to bother.' When you come of age it should be your priority to get enrolled and do it for yourself, not have the Electoral Commission do it for you. The government should not assume responsibility for enrolling citizens to vote. If we want to have a freer society, we have to keep enlarging the domain of freedom and not restrict it in such a way. We in the coalition are vigorously opposed to automatic enrolment and the use of government departments to provide the Electoral Commission with information to automatically enrol people to the electoral roll.

Another element to what is being contemplated under the first amendment I am addressing—and it was contemplated by the Special Minister of State in his second reading speech in the other place—is the use of email addresses for the sending of material. Material would be sent via email rather than posted. As some of my colleagues have indicated, Australia Post is a reliable and credible way to get information out. We have email addresses. Most of us, particularly younger people, have email addresses. We can have multiple email addresses, but we are meant to have one fixed residential address. That creates greater certainty in getting information to people. I am not an expert on the IT aspects of this, but there may well be greater opportunity for identity fraud and other issues when we use email addresses, particularly when there are multiple email addresses.

The bill also moves to implement recommendation 11 of the committee report to suspend subsection 11(4) of the Referendum (Machinery Provisions) Act 1984 until the end of polling day in 2013. That may sound fairly innocuous, but what does it mean? Subsection 11(4) generally limits the capacity of the Commonwealth to spend money in relation to a referendum other than on the production and delivery of a yes/no pamphlet. The committee proposed back in 2009 that any additional expenditure
would be provided equally for the yes and no cases, but all that the government is proposing to do is suspend subsection 11(4) to election day. One pamphlet would be sent to a household and then the government would make up for it by having a big-spending, taxpayer funded advertising campaign without any provision for it to be a fair division of expenditure between the yes and no cases. This leaves it open for the government to do a big-spending campaign in cahoots with those who may support this particular referendum, free of any of any inhibition under subsection 11(4). We will be opposing this and will be moving amendments on both of the matters I have raised.

I want to come back to where I started, which is that this referendum at this time is a smokescreen. It is meant to muddy the waters, potentially confuse the electors and mess with the minds of stakeholders in the community in the context of what should be one of the most important elections in a decade—maybe in a generation—in setting the direction of this country. In the budget last night, the government sought to set the direction of this country for the next decade. It sought to lock those on this side of the house into a particular pattern of spending and tax them, reflecting what the Treasurer in the other house described as 'Labor values'. There is an election on 14 September which will decide what people think of those values and the values of those on this side of the house. Pre-eminently the election should be about the merits of the two sides of politics rather than be confusing with the referendum I mentioned before.

We are taking our time to debate this bill to make it clear to people that the only reason this is being brought forward is to facilitate a referendum in the context of this election. It is meant to confuse people. If we truly respect our constitution and the need for voters to make a considered change to the constitution, we have to give them the time to do that in a fair way. Along with my colleagues, I will be opposing this bill and moving amendments.

Senator McKenzie (Victoria) (11:43): I rise to speak on the Referendum (Machinery Provisions) Amendment Bill 2013. I join my coalition colleagues and, indeed, Senator Rhiannon's short, pithy contribution to this debate. The bill goes to the arrangements on how referenda in our nation are conducted. The Special Minister of State in his contribution in the other place said that they are small amendments, but they are small amendments that we believe have quite large consequences. To have them rushed in here in the manner in which they have been today speaks volumes about the government's chaotic and dysfunctional legislative agenda, not to mention the disrespect with which they hold the Senate. There are other pieces of 'urgent legislation' being rushed before us this week. I, like Senator Birmingham, was all geared up for the Environment Protection and Biodiversity Conservation Act amendment that was coming before us, but that will have to be put off for another day.

I believe that these amendments go against the spirit of the 2009 report from the House of Representatives Standing Committee on Legal and Constitutional Affairs, A time for change: yes/no?. It was a report inquiring into the machinery of how we conduct referenda in this nation, because we do not do it easily. We do not change our Constitution easily. I am one of those people who would not advocate that we change our Constitution willy-nilly. A lot of thought went into it. It has served our nation very, very well, and it protects our citizenry from us, essentially—from government, from parliament. It has been very useful.
In the history of referenda in this country, very few have been held concurrent with an election, as is being proposed. When you are dealing with changing the Constitution, it is important that these are very detailed and complex issues. By the time we are actually discussing as a nation a question in a referendum, it is an important issue. There have been 44 referendums held since 1901, and only eight of these have been successful. Obviously the most successful in Australia’s history was in 1967, when over 90 per cent of Australians voted yes to Aboriginals being considered citizens. The questions are difficult and contested, and they go to the heart of our democracy, our national identity and the function.

There has been some guidance set out on developing a successful referenda strategy—how to get them through. I think Senator Sinodinos touched on this. It is about collaboration. It is about coming together and consensus. Our state governments need to be on side. Our political parties need to be well versed in the questions and be supportive of it going forward. We need to have popular ownership of the issue by many Australians, and there obviously need to be education campaigns. All of these strategies going forward for a successful referendum to be held are not actually present currently.

Coalition senators speaking prior to me have noted the short time frame, which even the Australian Electoral Commission is saying is not long enough for us as a nation to adequately prepare for a successful referendum—no matter what the question is—to be held on 14 September. It is just another example of politics over policy and unprincipled development and approaches in this country by this very, very poor Labor government—another smoke-and-mirrors campaign, another distraction to put before the Australian people. But they are not so easily fooled. On 14 September, Australians will be focused on sending a message. You can put as many referendum questions up as you like, but I think they are pretty convinced that they have a message to give this government.

But this government, despite having all the experts in the world tell it that this is the wrong approach to make a question, any question, have the desired result—that the approach it is recommending today is the wrong approach—does not listen to experts. It prefers expedient political solutions. There are many, many examples over the period of this government of it doing that—the Henry tax review, the Hawke review into the EPBC Act, the Fair Work review, the Caring for Older Australians review—where the government simply cherry-picked politically expedient recommendations and ignored, on the whole, in those four reviews I mentioned, the recommendations that would actually go to changing the system and making it better for all stakeholders involved. Similarly, this response to the Spiegelman review is simply typical. We want to focus on consensus going forward so that we can have a mature, articulate debate with our public, with the Australian people, within the Australian body politic, in order for the Australian citizenry, who are sovereign in this conversation, to make an informed decision about the question put before them.

This government is not concerned about claims of incompetence or of a chaotic or dysfunctional legislative agenda, as evidenced today when it put its motions up to change the order of business. It is not concerned at all. So what could have prompted this very, very quick decision to rearrange the Red, as we like to call it in the Senate—our agenda? I can only assume that it was Tony Windsor or the Greens—that this is this week's promise by Gillard, I guess, to hold it together for another day, to hold it together for another week. This is one
of the promises she has had to make, which
goes against all principles of good
governance.

I would like to go to the details of the bill
itself. As mentioned, the bill implements
recommendations 3 and 11 of the *A time for
change: yes/no?* report. Recommendation 3
is:

The Committee recommends that the Australian
Government introduce amendments to the
Referendum (Machinery Provisions) Act 1984
(Cth) to require a Yes/No pamphlet to be
delivered to every household, not every elector.

The coalition put forward a dissenting report
on that particular recommendation because
we believe that being a citizen is a
requirement of being an elector, and that is
important—not whether you live in a house
but that you actually have those
characteristics that define you to be an
elector in this nation. That is important.

Other senators have gone to the issues with
sending material to householders. I have a
similar response to Senator Bernardi’s to
mail that arrives at my home addressed to
'householder'. It sometimes gather dust
on the fridge until I can get to it. When we
are dealing with questions, as we have over
our entire Federation, that parliaments feel
are important enough to bring before the
whole people, we do not want the materials
that we send out to inform people to sit on
top of the fridge and gather dust. We want an
active citizenry engaged in the conversation
and debating the issue. When it comes
time for our citizenry to make a decision on the
question before them, we want that decision
to be an informed one. We want them to
have participated in the conversation and we
want them to have arrived at a reasonable
understanding of where they sit with it, not
to be swayed this way or that.

When we talk about such material being
sent to a household rather than to an elector,
I question whether this is the time for such a
change and whether we have done enough
background work on this new method of
reaching out and conversing with citizens.
Barring any change of mind by the Greens,
Tony Windsor or Rob Oakeshott, and all
things going to plan, we are to go to an
election on 14 September. How, in that time,
will the AEC be able to obtain the email
addresses of our citizenry? Can it actually do
that? Will it be cross-referencing against
government departments? What is the role of
Centrelink in this? What is the role of state
departments of justice, education, corrections
and health or of their child support agencies?
Do we have the resources to enable us to
assess and deal with the emails bouncing
back from this Gillard government spam
campaign—to keep track of who has
received and who has opened their emails?

We know that 92 per cent of Australians
have access to the internet in one form or
another. But, within that, there are subsets of
Australians who do not have easy access to
the internet. I am thinking here particularly
of older Australians. They may have the
internet but may not be completely au fait
with email. ABS statistics tell us that 41 per
cent of Australians over 60 have access to
the internet. That means that most do not.
Similarly, accessing the internet may be
problematic for those in rural, regional or
remote areas. If we want to enable our
citizenry to make a decision on a referendum
question, they need to be well informed—we
need to be able to have a serious
conversation with them. I also question how
the email address data will be shared and
how we will obtain consent from electors to
send to their email address.

Another area of concern for me is the
underlying assumption of compulsory
enrolment. I think the right to exercise civil
disobedience by deciding not to go on the
electoral roll—I would not advocate this; I
believe people should participate fully in our
democracy—should be and should continue to be a fundamental right. Compulsory voting is a great aspect of our democracy. It is important to be an active participant in deciding who gets to devise the laws you will be governed by. However, that does not necessarily flow on to compulsory enrolment. That is fundamental to how our democracy functions.

I turn now to recommendation 11 of the report, which says:

The Committee recommends the Australian Government introduce amendments to remove the current limitation on spending imposed by section 11(4) of the Referendum (Machinery Provisions) Act 1984 (Cth) and to include provisions to ensure that spending is directed to referendum education and to equal promotion of the Yes/No arguments.

One of the provisions of the legislation before us, however, seeks to suspend that principle until polling day. There were several different ideas put before the inquiry about how we would go about funding the different sides of a referendum campaign. One of the ideas raised was to provide funding proportional to the number of votes in parliament for or against the proposal. However, as the report says:

… there could be issues with this proposal as, where only a small number of members vote against the proposal, it would very difficult to launch an effective No campaign.

It is important for the federal government to make sure the Australian citizenry is aware of both sides of the argument—the pros and the cons. That is the bit we should be funding. Let the colour and movement of a referendum debate motivate and energise voters to vote one way or the other. Let the major stakeholders get out there and make their case and try to win people to their side. But in getting the facts on the table there should be equal funding for both sides of the case, irrespective of how many parliamentarians vote on either side. The committee goes on to say:

The Committee therefore supports equal funding of the Yes and No cases, irrespective of their Parliamentary support. This is in line with the original intention of the Yes/No pamphlet as well as consistent with democratic ideals of informed debate.

I say 'hear, hear' to that. That is exactly what we should be looking to do, but the legislation before us is aimed at changing that. Obviously, therefore, we do not support it.

This is about using public money wisely. I know the government struggle to do this. But here is your chance, guys, to follow your own report, your own advice. Do not worry about the experts—I know you have been quite flippant, across a whole range of issues, about whether or not you accept expert recommendations. Why not accept your own advice, from your own committee? We would be happy with that, and we would not be having this conversation. It really makes us struggle, I guess, that there is this flippant response to remove recommendation 11(4).

It is appropriate to fund equally and moderately and to allow others to make up their respective cases. I think this is what is so exciting about referenda. I remember the constitutional monarchy conversation—I was rapt with the result, obviously; it is the side I sit on—and the excitement that it generated within the Australian public on both sides. It forced us to have mature conversations about the issue, and sometimes we do not get to do that as often as we would like. As parliamentarians we are very quick to slip into our partisan conversations, and this is why it is so important for there to be an equally funded conversation.

I want to draw another recommendation to the attention of the chamber, and that is recommendation 6. It recommends:
... the Australian Government develop and implement a national civics education program to enhance the engagement of the Australian public in democratic processes and to improve knowledge and understanding of the Australian Constitution.

I think this recommendation should be paramount. I would really like us to go out—maybe we could do it in our lunchbreak—and conduct a straw poll of the young electors in our electorates to see how much they know about the Australian Constitution. Before we get down to tintacks and discuss how we change it, it would be helpful if most Australians actually understood that we had one and what its powers are. If we all spent a little more time singing the praises of the Constitution, which has stood us in such good stead over a long period of time, then these conversations would not be so vexed as they are.

The coalition will be moving amendments, because obviously we have huge issues with the Gillard spam attack. We have issues with the process. We do not want just any referendum proposed for 14 September—not one that would muddy the waters to ensure that electors will not just be fixated on all that this government has or has not done for them over this last electoral cycle, so that they will not actually be calling to mind the Prime Minister's promises and blackflips or calling to mind the numerous examples that we have of government failure and dysfunction. It would be quite incredible if we were to list the examples of incompetence of this government.

Whether the Greens want this legislation this week for their continued support or Tony Windsor wants it for his continued support—whatever the reason—the fact that the government have brought in this piece of legislation in a rushed manner to us here, today, shows that they really do not know what they are doing. This is not a sensible conversation to have in a rushed fashion. These are serious issues for our nation and we need to make a serious and considered response. Unfortunately, it is the thing that is lacking from this Gillard-Greens government. I look forward to the discussion on the amendments when they are moved. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator, when you refer to other members in the other place, it is 'Mr Windsor'.

Senator RONALDSON (Victoria) (12:03): I rise to speak to the Referendum (Machinery) Provisions—nothing but a complete smokescreen—Amendment Bill 2013. In doing so, I would like to make some introductory comments in relation to this whole issue. It is no secret that there are many of us on this side of the chamber who were involved in local government prior to our entry into this and the other place. I include myself in that. I spent six years on the Ballarat City Council, and I remember it with great fondness. That, of course, was the motivation for us to stand for local government. But the Australian Labor Party have used local government on many occasions not to put something back into the community but to take out what they could for their own personal benefit.

Many honourable senators will remember the Wollongong sex and bribery scandal. Labor Party members were using local government for their own cheap political purposes. It is a great irony that government ministers have been swanning around over the last week, indicating that they are doing this for the benefit of local government. This government and the Australian Labor Party
care nothing about local government. It is just a smokescreen. It is a deceitful smokescreen. It is treating local government in this country with utter contempt as opposed to supporting them.

Debate on this bill in the other place—for those in the gallery, the 'other place' is the House of Representatives—commenced at five o'clock last night, and we will finish dealing with it in about 35 minutes. It shows complete and utter contempt for the process, complete and utter contempt for local government and complete and utter contempt for that body of work that binds us as Australians, which is our Constitution. If this was going to be done, it should have been done 12 months ago.

Everyone in the Australian community knows this has been done to try to provide a smokescreen for a very, very bad government that reinforced its bona fides as the worst government in this country's history last night at 7.30 when the hapless Treasurer rose to deliver his sixth and, hopefully, final budget speech, which delivered more debt, a bigger noose around the necks of our children and grandchildren, no support for families, no support for small business, no withdrawal of the toxic carbon tax and no hope for the future.

What concerns me about this bill are the two provisions that my colleague Senator Ryan has already referred to. What is of enormous concern to me is seeing the continual degradation of the principles that underpin the Commonwealth Electoral Act and the most important of rights that we as citizens have under that act. We have seen under this government constant and regular removal of the rights of the Australian community in relation to their right to vote and the integrity of the electoral roll. We have seen a chipping away to the extent that now anyone who goes into a polling booth will have a very serious question mark—not unreasonably, in my view—about whether the person beside them with a pencil in their hand is legitimately entitled to vote. I will go through those bits of legislation before my time to speak is up this afternoon.

The notion that something as important as a change to this nation's Constitution can be dealt with by way of email and material sent to households, not electors, is another significant attack on the fundamental rights of electors in this country. It is a fundamental attack on the rights of those Australians who are legitimately and properly able to vote. What utter contempt it is from this government to remove any right of an elector to himself or herself receive properly prepared information in relation to a very, very significant decision they must make on 14 September—and that is whether or not to change our Constitution. It is beneath contempt to think that this cannot be legitimately done by anything other than something sent by post to a household. It is the pits. Quite frankly, those who are going to support it today should stand utterly condemned. They are shamed.

The fact that the Australian Labor Party is doing it, of course, is no surprise to anyone. But they will undoubtedly be joined by the Australian Greens, who themselves have become completely complicit in the attack on those who are legitimately entitled to vote in this country. They have become the government's companions in the last six years. This notion of a divorce between the Australian Labor Party and the Greens is a complete and utter farce. The Australian community know that it is a complete and utter farce.

In relation to the second matter that we will be moving amendments to, we have a situation where the government are deliberately suspending the provisions of a
bill introduced by the Hawke government in 1984—I think that is when it was, from recollection—which were specifically designed to limit expenditure on referenda to advertising and the preparation of a yes case and a no case. I was not here in 1984, but I suspect that was probably done to minimise the involvement and potential involvement of the government of the day to influence the outcome of a referendum. I suspect that is why that provision was there. So what we are seeing in this bill that is suspending this provision until election day is another attack on our democracy. It is another attack on what is right and the elevation of what is wrong. Those of us on this side are passionately of the belief that, when you are going to the Australian people to change the Constitution, at a very minimum they are entitled to not have the involvement of the government of the day. At a very minimum they are entitled to be given appropriate information in relation to the reasons why they should or should not support that referendum.

This is not about the government; this is about the people and the people's right to change or not change the Constitution. As honourable senators know, the Australian community have been very reluctant to change this Constitution and they have been reluctant to do so for very good reason. Rather than respect that fundamental historical fact, this bill seeks to completely and utterly change everything that has underpinned former governments' involvement in any referendum question. It is quite extraordinary.

I made mention before of some changes this government has introduced. I want to speak about a couple of them. The first one is the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013. As I said before, those on this side of the chamber believe that, if you go to vote, you are entitled to know that the person standing beside you is also legitimately entitled to vote; otherwise, the whole process becomes a complete and utter mockery. If you are going to provide the Australian citizen with one fundamental right, it must be to know that their right to legitimately cast a vote is shared by every single person who walks into the particular polling booth they are in that day. That must be across the nation. If you do not maintain the integrity of the electoral roll then you are diminishing the value of a right that people have fought for and died to protect. People have given their lives to protect that right.

If you look at that bill, there were three recommendations that the coalition opposed. One was for the provision to the AEC by the ATO of protected information, or what had been protected information. We believed that it was inappropriate. As we said in our dissenting report, the AEC should concentrate on continuing to check the accuracy of the roll by canvassing and advertising to make people aware of their obligations to properly initially enrol and advise of a change of address when it occurs, not on getting the ATO to provide previously protected information to the AEC.

Honourable senators interjecting—

Senator RONALDSON: Perhaps some could be doing some talking out of the chamber rather than in it on their telephones, particularly at that level, but anyway I am sure they will hear. We believed that it was inappropriate. As we said in our dissenting report, the AEC should concentrate on continuing to check the accuracy of the roll by canvassing and advertising to make people aware of their obligations to properly initially enrol and advise of a change of address when it occurs, not on getting the ATO to provide previously protected information to the AEC.

The second part of this was the repealing of the requirement for an applicant for a prepoll ordinary vote to complete and sign a certificate. As I said in a speech to this chamber on 18 March this year: The coalition are of the opinion that electors continue to be required to sign a declaration when
casting a prepoll on the basis that the repeal of this requirement:

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

I think that quote was lifted from our dissenting report. There has been one political party in the last six years which has maintained, or attempted to maintain, the integrity of the electoral roll and which has tried to minimise the likelihood of voter fraud by maintaining the integrity of the roll. I am sorry, but I do not accept the view of the government and the Greens that they are doing that. Equally I do not accept some of the arguments of the Australian Electoral Commission in relation to these matters. In 30 or 40 years time, when some boxes are opened about the discussion of some of these things, I hope I read in there, if I am still here in 30 years time—

Senator Williams: Thirty? You're being optimistic!

Senator RONALDSON: it seems a long time away, doesn't it?—that indeed this was a matter forced on the Australian Electoral Commission by this government, as opposed to the AEC being in any way complicit in the legislation being put through the way it was.

In the time remaining, I also want to refer to the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 and the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012. When you look at those two bills, you see examples again where the coalition, in dissenting reports, were the only ones who were trying to protect and maintain the integrity of the electoral roll. The Australian Labor Party and the Australian Greens again were doing everything possible to maximise the chance of electoral fraud by minimising the integrity of the electoral roll. These bills, from recollection, were also rammed through the chamber. Senator Ryan might have a better recollection of that than me.

Senator Ryan: I think it was one of 160 bills they guillotined that day.

Senator RONALDSON: That is right. There were 160 guillotined bills—which is quite remarkable, because I think the Australian Greens and the government attacked us, in our last period in government, for guillotining bills. I think we had 30 during our period and they have 160 to date. I will bet London to a brick, and I will put as much money on it as I have got, that we will see more guillotining between now and the end of June. You watch that 160; it will go through the roof. It will not go up as quickly as our gross and net debt will; but, I tell you what, it will not be far behind it.

Isn't it remarkable that those who float around this country and pretend that they are protecting the rights of the individual allowed this bill to go through, when people's names were actually added to the public record unless they objected? This completely changed the principles that have underpinned people making an application for, and being granted, the right to vote.

(Time expired)

Senator EGGLESTON (Western Australia) (12:23): It gives me great pleasure to rise to speak on this matter, having myself served in local government for nine years. During that time, I was the mayor of Port Hedland for three years and the chairman of the Pilbara ward of the Western Australian Local Government Association, so I am quite interested in this referendum.

The Referendum (Machinery Provisions) Amendment Bill 2013 that we have before us today proposes that a yes/no pamphlet be delivered to every household—that is, every home—rather than to individual electors. That is recommendation 3, and the coalition
opposes that recommendation. Then there is recommendation 11, which is under discussion at the moment in this matter today, which is that increased money be allocated for referendum education and information in equal proportions for the yes and no cases, and of course the coalition supports this proposal. That is because, obviously, every elector should be well informed about the yes and no cases for this proposed referendum and should thereby be able to make a better decision about which way they will vote.

I must say that the first proposition—under recommendation 3, to send material to every household rather than every elector at their registered address—is, in my view, a very strange one. It will mean that many electors will not receive material relevant to the referendum at all. For example, these days many people, as we know, move about the country with their work. In Western Australia, where I come from, there are a great number of fly-in, fly-out workers. They come into Perth airport, then fly to mines all over the north of the state and the east of the state. They come from all over Australia. They come from Queensland, New South Wales, Tasmania and even from other countries. These people, nevertheless, do have a registered home address somewhere in Australia, if they are Australian citizens. To merely send material relevant to the referendum to households—which might mean mining camps, where people come and go, and do not stay for long—will mean that many people do not actually receive information about these referendum proposals.

In a general way, all over this country, people shift around a lot. Nevertheless, everybody has a permanent, official address. It is to that address that important mail is sent to them. Such important mail would obviously possibly include bank statements, credit card statements, notices about local government and other matters. I think the idea of just sending the mail to a house—rather than to an elector's official address—is very, very bizarre and very hard to understand. In my view, all referendums are important matters.

It has been said today in the course of this debate that, of the 44 referendums put to the Australian people, very few have passed, because the Australian people generally are very wary about changing the Constitution. I think that this referendum on constitutional recognition of local government is a very important matter indeed. It is my belief that material relating to this matter should be sent to the designated home address of each elector so that they can be informed. It is surely the responsibility of government to communicate with each elector and it is patently obvious, in my view, that the most efficient manner of communicating with each elector is to send material to their registered address. In my view, to not send mail to each elector but to the householder is disrespectful of the rights of each elector as an Australian citizen. The reality is that there may be several people living at a street address and, in truth, material that is put in the letterbox may not be handed around to the other members of a particular household.

The reality is that quite often the amount of junk mail that accumulates in people's letterboxes addressed to the householder is very large. In my case, when I come home and find a letterbox full of 'to the householder' junk mail, I simply pick it up, walk in, put it in the bin and forget about it. That might be the fate of any letter addressed to the householder in many homes around Australia. In this case, it would have the unfortunate consequence that electors, who are supposed to be informed about these referendums, would not get the information that the Commonwealth government is
sending out so that they can learn the
purposes and objectives of these
referendums.

It is totally unacceptable that the
Commonwealth government would not be
ensuring that each Australian citizen as an
individual is informed and provided with an
explanation personally of a proposed change
to the Constitution of the Australian
federation. One might even say that it
amounts to sheer insolence by the
Commonwealth government and an
insensitivity to the rights of our citizens that
this approach is being considered. Quite
frankly, I can only presume from this that the
present Commonwealth government regards
electors with some disdain and amazing
disrespect. This approach of proposing to
send referendum material to the household
rather than to the official address of an
elector is quite dumbfounding. As my
colleagues Senator Bernardi and Senator
Birmingham have said during the course of
this debate, most householders regard
material addressed to the householder as
junk mail. As I have said, junk mail ends up
in the rubbish bin.

The other curious thing about this is that
these provisions are to be in place only until
the end of polling day 2013. That is very
curious, as I am sure you would agree. One
must wonder if the government is seeking to
minimise the level of understanding of the
yes and no cases and hopes that citizens will
vote in an uninformed manner, presumably,
in the government's view, so that they might
vote yes just as a reflex because it seems on
the face of it to be a reasonable proposition—the donkey vote, in effect. This
amounts to profound contempt for the
interests of the people of Australia by this
government. It is beyond comprehension that
the current government should be so
disrespectful of the citizens of Australia that
it is not prepared to mail information to
every elector at their home address. That is
why the coalition is opposing these
provisions.

We do, however, support the distribution
equal promotional material for the yes and
no arguments to every elector. That is the
right and proper thing to do. However, I
again must ask you all to consider why the
government is conducting this referendum in
such haste. Why is it being presented as an
unimportant matter when in reality this
referendum on constitutional recognition of
local government is actually one of the most
important that has been presented to the
people of Australia, because bringing local
government into the Constitution and into
the sphere of the federal government will
profoundly change the mechanics of
government in Australia?

As you would know as a member of the
ALP, Madam Acting Deputy President
Moore, it has long been ALP policy—from
the 1920s—to set up a series of regional
councils, which would be directly funded
from Canberra, to provide a means of
progressively undermining and sidelining the
state governments. This is long-term ALP
policy, most recently restated by Bob
Hawke, who said, 'Let's get rid of the states.'

Some of us believe that the states play a
very important role as the protectors of
regional interests in this country. We believe
in the concept of federalism and the
distribution of power around the country so
that the different interests of different parts
of Australia can be catered for. We believe
there should not be one single central source
of power and provider of government. In my
view, were this referendum carried and local
government were to be included in the
Constitution, this would be a step down the
road to undermining the federalist nature of
our Constitution. Those of us who are
federalists believe that state governments are
the protectors of regional interests. This referendum, far from being an unimportant matter, is actually one of the most profoundly significant matters that has ever been put to the Australian people. It has been put twice before, of course, and twice the Australian people have rejected the proposition that local government should be included in the federal Constitution, which would mean it would be funded directly by the federal government. I hope and trust that the commonsense of the Australian people will prevail yet again in this case and that the referendum result will be a resounding 'no'.

All Australians should be very wary of changes to the Australian Constitution, however simple those changes may seem, if for nothing else than the fact that the High Court has a habit of reading implied intentions into constitutional provisions and these implied intentions may be open to all sorts of unexpected outcomes. High Court interpretations of the external affairs provisions of the Constitution are the most significant examples of this. The High Court has read all sorts of things into the external affairs provisions of the Constitution and they have had significant impacts on the way we are governed and on the operation of the federal government. Accordingly, I think it is both naive and, perhaps, dangerous to believe that these constitutional changes would have minimal impact, as is claimed by the Local Government Association.

In conclusion, I would say that if these provisions were to be adopted the ALGA may find the outcome very different to their expectations. But there will be time to debate the actual referendum provisions at a future time. At this point, where we are simply deciding whether or not to accept recommendations 3 and 11. I think recommendation 3 should be opposed and recommendation 11 should be enthusiastically supported by the Senate.

Senator HUMPHRIES (Australian Capital Territory) (12:38): It is a pleasure to rise to address the Referendum (Machinery Provisions) Amendment Bill 2013. I do so, like many other speakers in this debate, particularly on this side of the chamber, with something of a background in local government, to the extent that the chamber, with something of a background in local government, to the extent that the ACT Legislative Assembly, from which I came to this place, provides the citizens of this territory with both state-level and local government-level services. So I am very much familiar with the arguments about the need to protect the role of local government in the Australian constitutional system. I have some sympathy for the arguments presented here for certainty for local government and for the capacity of local government to continue to receive payments from the Commonwealth, and to be seen constitutionally to continue to do so. But I am also extremely well aware, as are Senator Eggleston and other speakers in this debate, of the enormous difficulties faced by any party seeking to amend the Australian Constitution. It is a matter of deep concern that this exercise, in an attempt to amend the Australian Constitution for an arguably very worthwhile purpose, is so mired in politics and seems to be so clearly designed to fail that one has to be extremely cynical about the government's motives in bringing forward this legislation.

We are all, I am sure, very familiar with the background to the many reasons why Australians have shown a profound reluctance to amend the Constitution. Of the 44 proposals for constitutional change put to Australian electors, only eight have ever been approved, and I think seven of those have been proposed by coalition governments. The last questions to be carried were over 36 years ago, which demonstrates that the maturing of Australian democracy has not changed people's attitude towards the
prima facie unlikelihood of a proposal being
carried to amend their Constitution.

We have to ask in this case whether the
very fundamental threshold has been reached
by the proponents of change to execute this
particular manoeuvre. The question remains
very real: has the government actually
accomplished that? The answer is doubtful.
The history of these things is not
encouraging. I think it was Labor Prime
Minister Andrew Fisher who attempted to
amend the Australia Constitution on several
occasions and became increasingly frustrated
at not being able to communicate his
message successfully with all the voters.
That is a rather familiar refrain in the
contemporary age. At the three preceding
referendums—in 1906, 1910 and 1911—the
administrations had not even bothered to
inform the people of why they should vote
yes, except to have 12,000 printed black-
and-white posters describing how to vote
displayed prominently at polling booths.
That was the extent of the Commonwealth's
intervention to assist people to know what
was going on with a referendum, except
perhaps for comment in the free media of the
day. So Prime Minister Fisher attempted, I
think a little more wilfully, to put his case to
the Australian people, but he also failed in
his several attempts to get the Constitution
amended.

We understand clearly from those early
examples and from the many examples that
followed—in particular, the unsuccessful
attempts—that a better case needs to be
made to ensure that people have the chance
to understand what is at stake. But that better
case does not appear to have been made in
this instance. The government is attempting
at a very late stage in the process to change
the rules affecting the way in which
referenda are conducted. We have an
election coming up. It is an appropriate
mechanism to put referendum questions in
conjunction with an election but you need to
take the care, time and expense to ensure that
the issues in a referendum are clearly
distinguishable in the minds of electors from
the more fundamental question of who they
want to govern them for the next three years.

With the enormous focus preceding the
election on 14 September, the chance of
people focusing separately on the question of
what is an appropriate referendum question
and the extent to which it should be
supported is diminishing all the time. And
that is a matter of great regret because with
ever unsuccessful and possibly cynical
attempt that is made to amend the Australian
Constitution the more we reinforce in the
Australian electors' minds the sense that
Australian politicians play with these things
and attempt to amend the Constitution for
political reasons rather than for the
betterment of the Australian community.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

The ACTING DEPUTY PRESIDENT
(Senator Moore) (12:45): Order! It being
12.45 pm, I call on matters of public interest.

Defence

Senator CAROL BROWN (Tasmania—
Deputy Government Whip in the Senate)
(12:45): I rise in today's matters of public
interest debate to speak about the 2013
defence white paper and the opportunities for
defence procurement that arise out of this
updated defence plan. On Friday, 3 May, the
Prime Minister, Julia Gillard, and the
Minister for Defence, Stephen Smith,
released the 2013 defence white paper,
which outlined the capabilities that the
Australian Defence Force will need in the
coming years to address strategic challenges.
The 2013 defence white paper builds on the
government's 2009 defence white paper and
will ensure that we maintain an ADF that has
the capability and culture it needs to
effectively serve Australia's national security interests. It also acknowledges the economic and strategic shift to the Asian region, which was outlined in the white paper *Australia in the Asian Century*, which was released by the Prime Minister on 28 October 2012.

The 2013 defence white paper recognises that since 2009 there have been a number of domestic and international developments that have influenced our national security and defence settings. These include impacts on force posture, future force structure and the defence budget. These developments include the ongoing economic, strategic and military shift to the Indo-Pacific; the Australian Defence Force's operational drawdown from Afghanistan, Timor-Leste and the Solomon Islands; the United States rebalance to the Asia-Pacific; Australia's substantially enhanced practical cooperation with the United States pursuant to our alliance relationship; and the ongoing adverse effects of the global financial crisis, which have continued to have a significant impact on the global economy, domestic fiscal circumstances and defence funding.

The federal government's 2013 defence white paper also backs up our judgement that the world's strategic shift to the Indo-Pacific region as part of the Asian century will mean growing economic prosperity but also some uncertainty and risk. The 2013 white paper will support our strategic interests and support regional security and will undertake four principal tasks for the government: (1) deter and defeat armed attacks on Australia; (2) contribute to stability and security in the South Pacific and Timor-Leste; (3) contribute to military contingency in the Indo-Pacific region with priority given to South-East Asia; and (4) contribute to our military contingencies in support of global security.

It is worth noting that, since we released the 2009 defence white paper, the federal Labor government has approved more than 150 proposals for new or enhanced defence capabilities. These capabilities have a total value of over $20 billion. Over this period Defence has taken delivery of a number of new capabilities, including a C117 heavy lift aircraft, FA18 Super Hornet air combat aircraft, Bushmaster protected mobility vehicles and two large amphibious sea-lift vessels. By the end of this decade the ADF will also have taken delivery of three air warfare destroyers, two amphibious ships with a helicopter landing dock and the initial two F35A Joint Strike Fighter aircraft.

The 2013 defence white paper also outlines the government's plan to significantly upgrade our capability over the coming decades. This will be worth billions of dollars to improve and maintain our existing capability as well as provide funding for new capability. In Tasmania we have a world-class shipbuilding industry that stands ready and willing to help provide this capability. It is conveniently located at a one-stop shop at Prince of Wales Bay in the northern part of the electorate of Denison. I believe there is potential to maximise the use of this precinct to support the ADF's capability over the coming decades. I will highlight some of the businesses that operate in the precinct and outline how they have the experience to support the ADF.

Iconic shipbuilder Incat has been a world leader in the production of fast ferries for over 20 years. In that time it has produced a range of catamaran vessels that have been used for both military and commercial purposes. In 1999 the Royal Australian Navy chartered an 86-metre Incat vessel to be used as part of the East Timor crisis when Australian Defence Force personnel were deployed to maintain peace in that country. As the HMAS *Jervis Bay*, the Incat vessel
completed over 100 trips between Darwin and Dili. During this period it transported personnel and equipment as part of the United Nations transitional administration. The HMAS Jervis Bay completed a 900 nautical mile return trip from Darwin to East Timor in less than 24 hours.

Incata has also provided three vessels to the US military, including the 96-metre HSV X1 Joint Venture, which was in partnership with Bollinger. The success of this joint venture led to more charter contracts with the US military. We had the 98-metre TSV Spearhead, which was delivered to the US Army in September 2002, and the HSV-2 Swift was delivered to the US Navy in August 2003. These vessels have been used for a range of purposes, with the Swift being used in a humanitarian role, including being part of the relief efforts for Hurricane Katrina and other disasters.

Taylor Bros is a third-generation family business and has grown from building timber yachts and small coastal river craft to being a widely diverse engineering company with a highly skilled workforce. Taylor Bros has undertaken a range of work, including offshore support services, rig maintenance, equipment installation, accommodation units, defence contracts, Antarctic projects and shipping refit and repair. Most recently, its world-class work has been recognised, with the company being awarded a contract worth more than $25 million with the Air Warfare Destroyer project. Taylor Bros will provide a range of accommodation products, including cabin and sanitary modules, onboard furniture, and a galley, pantry and scullery equipment.

Finally, I want to highlight Liferaft Systems Australia, who design and manufacture marine evacuation systems and large-capacity life rafts. They pioneered a simple incline slide, designed for the marine evacuation system, that delivers passengers and crew in a fast and safe manner to large-capacity life rafts. They have also provided a range of marine evacuation systems to naval vessels around the world, including to vessels being operated by armed forces from New Zealand, the United States of America, France, the United Kingdom and the Netherlands. There are other businesses in the precinct who also have the capacity to provide capability to the Australian Defence Force. As you can see, there is considerable capability in our shipbuilding industry.

To help capitalise on the opportunities presented by the 2013 Defence white paper, a delegation was formed. As well as me, it included: the Labor candidate for Denison, Jane Austin; Craig Clifford, managing director of Incat Australia; Stuart Slade, Glenorchy City Council Mayor; Daniel Leesong, executive director of Tasmanian Industry Group; Steve Walsh, an AMWU state organiser; and Grant Wise, an Incat employee. The delegation travelled to Canberra to speak with the Minister for Defence Materiel, Mike Kelly, about the capability that exists in Tasmania.

This was a key delegation that brought together the political element, the local community, the union, the industry group Incat and an employee to highlight that Tasmania is here and ready to help fulfil this Defence capability. This delegation also highlights the AMWU’s shipbuilding campaign to design, build and maintain our ships in Australia. The campaign also recognises the importance of continuous shipbuilding so that we avoid the peaks and troughs that plague the shipbuilding industry and result in the loss of jobs and skills.

We are not seeking a handout. We believe that we have world-class shipbuilders who have a capability that could be greater utilised by the Australian Defence Force.
The delegation engaged in a very positive meeting with Minister Kelly. After receiving a presentation from the delegation, he will be coming to Tasmania to tour Incat and other shipbuilding businesses in the Prince of Wales Bay precinct to see firsthand what capability exists within the state and how it might be utilised.

Minister Kelly will also hold a forum with businesses on how Tasmania can play a greater role in providing capability for the Australian Defence Force. This forum will be chaired by the Tasmanian Industry Group executive director, Mr Daniel Leesong, and hosted on site by Incat. Minister Kelly has expressed his support for local manufacturing and outlined his goal to see as much Defence procurement fulfilled by Australian businesses as possible. He said, 'I see no reason why Tasmania can't play a role in the future of our Defence capability needs.' With so much capability required over the coming decades, we see no reason why Tasmania's world-class shipbuilding industry cannot play a greater role in supporting the ADF.

We have highly skilled and talented workers, who have a proven track record of delivering product for militaries around the world. We want to see that workforce utilised and expanded in the coming decades. Securing further defence work would provide a much-needed economic boost for the state and would allow us to build the capacity of the Tasmanian workforce, with the creation of highly skilled jobs. We look forward to Minister Kelly's visit to Hobart.

South, Mr William 'Bill'

Senator SCULLION (Northern Territory—Deputy Leader of The Nationals) (12:55): I rise to speak today of the passing of Bill South, an unsung hero who changed the lives of Aboriginal people in some of Australia's most remote Indigenous communities. Bill South passed away suddenly, a day before his 63rd birthday, on 16 March this year in the remote community of Robertson River, a place he came to call his home. Robertson River is in the Gulf of Carpentaria, around 150 kilometres south-east of Borroloola and about 800 kilometres north-west of Tennant Creek. Anyone who has visited this community would acknowledge that it is one of the most remote communities in the area and probably in Australia.

Bill had been the Chief Executive Officer of the Mungoorbada Aboriginal Corporation for the last decade of his life. His son Rick says that, while his dad will be missed as a brother, a father, an uncle, a grandfather and a partner, he will be missed even more by those in Robertson River. His son went on to say: 'He showed them a dream. He gave them the skills and the desire to achieve that dream—the dream of turning Robertson River back into a self-sufficient cattle station that would stand on its own two feet, that would no longer have to hold its hand out to the government for grants for its survival into the future.' He said that the only way to truly understand Bill's impact was to see the smiles on the faces of the kids running around the community, the pride of the young stockmen mustering the scrub bulls, and the determination of the community elders and the council members in the meetings as they worked together to reach this dream.

I was very lucky to witness this firsthand. I go into so many communities—and I know that Senator Siewert travels to many of the same communities—and it is not that you are depressed or upset when you leave but you have a sense of sameness. If you have gone to the same communities for over 20 years not much seems to change. The great thing about visiting communities like Robertson River, Finke and Borroloola, was that Bill
had made a difference in those places. Wherever he went he made a difference. He got things done. Most importantly, he took people along with him. Wherever he went, you saw a change for the better; you saw the community actually feeling differently about itself. He got pride back in the community. He got people working again, and got people to see what he saw as the benefits of work. Bill had a philosophy that work was not a right—it was a privilege. He imbued that in the community. They realised that there were not many jobs, that they were important, valuable things, and that you should strive to get up early to make sure you did them well and got the real benefit of working and getting something done. Bill was great. Perhaps it was because of his background, but he could always get things done on the smell of an oily rag. There was invariably equipment lying around that was held together with things, but he could always fix it; he could always get it done.

He was born in Bombala in New South Wales, just south of Canberra, on 17 March 1950. He was brought up on farms around New South Wales, which gave him many of the skills that were so valued in places like Robertson River. He went to school in Queensland, at the Anglican Church Grammar School, known as Churchie, where he met his lifelong mate David Murray. David reflects that Bill was a great athlete. Not only was he in the first 15 for rugby and the top 8 for rowing; he was also a good hurdler. He was in the Army for six years, where he became a platoon commander of 4 Platoon B Company. Bill left the Army to set up a furniture restoration business.

In 1994, with his wife, Sandy, he decided to set off on a new enterprise, and went to the Aboriginal community of Finke, in the Northern Territory, which is pretty close to the New South Wales border. This isolated desert town was well served by Bill. He was there for two years, and in those two years it won the Territory's tidyest town competition. I recall people telling me about the impact that the Souths's arrival had in that community. Bill's style was never to impose things on people. He had the capacity to go into a community and suddenly make his goals and vision the whole community's goals and vision. He would make the community work together to clean up the community and make things better. The sewerage system did not work when he got there but Bill rolled his sleeves up and, with the help of the community—no outside contractors—he fixed up the sewerage system and got it running.

There were a lot of dogs in Finke in those times. It was a bit unsafe. Dogs in Aboriginal communities from time to time do not belong to anyone; they are community dogs; they can be a bit cheeky. So he decided that at one end of the town basically we should all have a fence so that we could control the area and make sure we were safe from dogs. So every house in Finke, as he moved around, had a fence. It made a huge difference.

As I said, he always got people involved and he ensured that his value and ethic about work was passed on to people. He reckoned that they needed a reason to get up in the morning and that was to feel good about working.

He was always willing to pitch in. It was a great lesson to all of us. He was willing to work alongside you and show you what to do, but he was not willing to do it all the time for you. In the way of a real teacher, he would show us how it was done but then he would want to move out of the way and let it be done by the local people, including running the organisations and taking leadership roles in some of the programs.

So, as David Murray indicated, that particular community was lifted out of what
can only be described as squalor to what was clearly prosperity and happiness. There were so many more people working and engaged in the community, and it became a community of hope.

In April 2001 Bill, with Sandy, moved to the Gulf of Carpentaria to become the town clerk of Borroloola. This was the first time that I had met Bill. He was there for two years. He had a major hand in designing and implementing a causeway to ensure that the large community on the other side of the Mcarthur River was able to get access to the store, the school and the hospital. He ran a very tight ship.

In 2003 he moved to the community of Robertson River, and it did not take him too long before the place was up and running. His list of achievements in Robertson River is huge. He helped turn the community around from, as I said, a sense of dependency as a welfare community—it was fairly despondent and there were a lot of challenges in the community, as we find, sadly, across many Aboriginal communities, particularly in Northern Australia—to a place that, whenever you went there, was full of activity. People were proud of what they were doing. People all had a place to go to work every day. That was part of his legacy.

One of the first things he did was to get the cattle business moving. I can recall that the last time I was there I actually recognised some of the cattle: they were from the Coodardie stud, from the O'Briens, and from Numul-Numul—fantastic bloodlines, and some of the best in the Territory. And when they made money from their enterprises they reinvested in the community. There is a fantastic cattle herd there.

It was fantastic to see Aboriginal stockman. That is who they are. You say, 'Joey, what do you do? Who are you?' And the answer is: 'I am a stockman, brother. That is what I do. I am proud of that.' So natural skill sets have suddenly become valuable again. They have got a cattle herd. They are out there. They are looking after the cattle. And they are going fencing. The last time I was there I saw extensive fences, beautifully graded fence lines, to deal with the fires and suchlike.

Interestingly, there was a bit of a demarcation. Fence ends are all welded because in the Northern Territory the white ants make a real meal out of anything else. And it is interesting that the demarcation there is that there is only women's work in Robertson River and one of the particular areas that is women's work only, of course, is the welding team. They will tell you, 'Welding is women's work. This is not anyone else's work.' No men weld anything in Robertson River. They have this well-known team. I know that Senator Siewert knows them well. They have built up their own welding teams. They make frames and joists for houses. They make all the rigid ends for the fencing. They are a wonderful group of women who have said, 'This is our work; we guard it jealously; this is what we are going to do.' They have basically banned men from doing any of this stuff on the very probably correct principle that they are absolutely hopeless at it and only women can really weld!

The important thing about reinforcing the benefits of this in this community is that they use local people. Yes, that was more difficult. He would say, 'Yes, it'd be great to get a plumber in,' because he would know all about it. 'This just takes us longer. But every time we finish a job that is hard and we have not had any help, we have this wonderful new capacity. So the next time we have this plumbing drama, the eight of us, instead of one plumber, who have had to scratch our heads and nut it out, will know how to do it. We will know how to fix it.' He knew this
was all about ensuring that, with everything that he did, there was a legacy of capacity built.

Robertson River had developed a brand, a solution to transform dysfunctional communities into functional, healthy working environments that can be replicated in other communities. Bill used to reinforce that this was not something that could just be imposed. It had to be something with a willingness and you had to grow that from the community. It was through his particular skills of communication that he was able to achieve that.

I can remember he pushed for and eventually got an airstrip upgraded. It was in the middle of nowhere. I do not know how he did it. He managed to get the resources to make it an all-weather strip. He established a store and it was a major boost to the community. He decided they would have a no-freight policy for healthy food. If you had enough money you could go and buy a meat pie, but it is an expensive business to buy a meat pie in Robertson River. If you wanted to buy an apple or fruit or vegetables, they were very cheap. The profit that the store made subsidised the healthy foods, because healthy foods were a little cheaper. If you wanted to lash out on a meat pie every now and then, you had some savings. It has been a fantastic process. The store makes enough money to run as a sustainable one.

Wherever you go in Robertson River is amazing. Their vegetable garden is three times the size of this Senate chamber. I am a bit of a brown thumb rather than a green thumb, but in the Territory you have about eight weeks to grow something. It either gets eaten or it gets too hot. They have it down to a fine art. Year round, they provide the vegetables for the store. You go round the corner a bit and you say, 'They've got a few chooks; I can hear a couple scrapping around.' There is one pen there and about 500 chickens. I said, 'What's going on here, guys?' They said, 'We send 30-dozen eggs to the mine so that miners can get fresh eggs. The price we give for the miners subsidises our own eggs and feed.' It is a system. So they have access to cheap food in a place where food is the most costly thing anywhere. He has done a fantastic job in changing those things around.

They have a herd of goats for milking and they have a beef herd. When you go and buy beef from the Robertson River shop it comes from down the road—you just drove past dad or mum on the way there. They butcher it themselves and are able to sell it at a price people can afford. It is so important to provide good nutrition at an affordable rate. That has been the answer—as Bill always knew—to many of the health challenges faced by Aboriginal Australians in some of these remote areas.

He was a great believer in education. Without education, he believed, you did not have a great deal of a future. He was always lecturing, to those who would listen, about the importance of education. The schools and the kids are so engaged with the education system, and it is really a testament to his constant lecturing and badgering of everybody in that area. He was a very practical bloke. He would not say no; nothing was too hard. He had heaps of energy. Whilst he was very forthright about advocating for the people of Robertson River, he was a quiet achiever behind the scenes. It ensured an opportunity for people who would take Bill's place—like Tony Jack—to step up and play that leadership role when he stood aside.

The people who met Bill, including the politicians and other influential Australians who were lucky enough to pass through Robertson River, would always come back
with great stories about him. I would often get phone calls from people saying, 'You should go and meet this Bill South from Robertson!' and I would say 'I have; it's doing well and we're really trying to pass that on.' He was never shy of ringing up the minister, I understand, and explaining what was right and what was wrong. It was tremendous that he had this capacity to connect with people of influence in Canberra.

I remember David Murray, when Major General Dave Chalmers visited during the intervention. His parting words were: 'If only I could clone 100 Bill Souths, we wouldn't be in this mess.' Truer words were never said. Bill had a great affection for and relationship with the Garawa people and they had a great affection for him. I trust this is a fitting tribute to Bill South: an unsung hero, a great bloke, a great Australian. Many things come and go in this world but his legacy will live on, because it is in the hearts of the local people. They will take it forward. Robertson River will remain a beacon for others and a testament to Bill South.

National Disability Insurance Scheme

Senator SIEWERT (Western Australia—Australian Greens Whip) (13:09): Before I launch into the speech that I have prepared, I would like to associate myself with Senator Scullion's remarks. I agree wholeheartedly that Bill South made an enormous contribution to the advancement of Aboriginal Australians. He appeared before the Senate community affairs committee inquiry into the Stronger Futures bills last year. Without consulting the committee, I think it would be fair to say that he gave the most impressive evidence. Everyone was most impressed with his evidence and also the way he talked about and shared what the community at Robertson River had been doing. It really is outstanding. I know he played a key role in getting it started, and the community will continue to drive it.

I rise today to talk about some critical national programs that I have spoken about on many occasions during my time in the Senate. One of those is the National Disability Insurance Scheme, now known as DisabilityCare, and I want to talk about the importance of delivering on that scheme. I was pleased to see in the budget that there is an ongoing commitment to rolling that out. I was, however, really disappointed when I opened the budget documents and saw every state and territory listed except my home state of Western Australia. All the other states and territories must be so proud that they have now signed up and are able to deliver care and support to meet the needs of those living in their state with a disability, their families and their carers. Unfortunately, I cannot do that. I cannot stand up and say this program is also going to be delivered in my home state of Western Australia.

Our Premier has decided that WA does it better anyway, so he wants to hold out. That is actually holding out on delivering care, services and support for some of the most vulnerable members of the Western Australian community. I have admitted in this place on numerous occasions that WA does do it better than most states, but this hides the fact that there is a huge list of unmet need in Western Australia, that the people have in fact stopped applying for support packages because they are capped and because they are so used to being told no. I have described in this place before the race to the bottom that occurs. In other words, your story and your experience has to be worse than anybody's on the list so that you will get part of that mega-funding. So not only have people stopped applying; they do not apply in the first place when they hear how hard it is to get some support.
I strongly urge the Western Australian government to build on the good track record that we have and deliver a truly national system of disability care—it used to be called the National Disability Insurance Scheme—so we can truly say that it is national. I do not think it is beyond the wit of our Premier and our state to be able to ensure that Western Australians will enjoy the same benefits through this scheme as everybody else, to not hold out and to ensure that we sign that.

I have been very careful to consult on this issue with people with disability in Western Australia. I did that in particular during the Senate inquiry into the bills which passed through this place in March. Some providers, in particular, said—and fair enough—they were a bit nervous because this was a whole new change to the system and we needed to be ready. I really listened to that. And then I asked the people with disability themselves whether they wanted the scheme. The overwhelming response was yes. Did they want it as soon as possible? Overwhelmingly, yes. Did they want WA to be part of it? Overwhelmingly, yes. WA has helped lead the excellent campaign Every Australian Counts. WA has been a critical part of that. Does that not say strongly enough in itself that people living with disability in Western Australia do want to be part of a national scheme? So I am very strongly supportive of their calls also to ensure that WA is part of that scheme and builds on the positives that we have in Western Australia—because we can do it better.

Another area where I am keen to see the states continue their input and continue to step up to the mark is the area of Aboriginal health—in particular, the Aboriginal Health National Partnership Agreement or, as it is also called, the Closing the Gap in Indigenous Health Outcomes agreement. I referred to the agreement in this place yesterday in speaking on a motion that went through the chamber in March. As we know, this is a critical component of the effort to close the gap in Aboriginal and Torres Strait Islander health and non-Indigenous health outcomes. It is really important not only that this has adequate funds but that it is implemented in accordance with nationally agreed strategies to meet nationally agreed targets.

This particular agreement outlines some key priority areas which all states and territories have agreed to address as part of their Closing the Gap agenda. These including tackling smoking, primary healthcare services delivering effective services, fixing the gap in the patient journey, having a healthy transition to adulthood, and making Aboriginal health everyone’s business. Making Aboriginal health part of everybody’s business is absolutely critical to delivering on health outcomes if we are genuinely going to close the gap. This is a nationally agreed priority and there is an agreement on these targets.

On the cusp of the funding running out in June, I was really pleased to see in the budget last night that the federal government has committed to another round of funding beyond the allocation that was made previously. The original national partnership agreement and deal that was struck with the states in 2008 was worth $1.58 billion over four years, to which the states and the federal government made a contribution. The Commonwealth’s contribution was slightly more than that of each of the states, at around $201 million.

I note from the budget documents that the new federal contribution is $777 million, which is $259 million per year over the next three years. This cycle of funding has been reduced compared with the previous cycle.
This contribution again needs to be matched by the states. So far, as I understand it, only Victoria has given an indication that they will commit further funding. I understand they have committed around $61 million, yet there is no partnership; we hope they will commit to a national partnership.

It is absolutely critical, if we are going to address Aboriginal health and if we are going to close the gap, that we have a coordinated national approach. This has been well recognised. We do not want to see this become a political football and watch stand-offs again between state and federal governments, the way we have seen in the past on some other issues. We believe that Closing the Gap is a program that everybody has already pledged to support and we hope the new agreements and new funding cycle will be followed up very quickly now that a new Commonwealth commitment has been made to funding. We need to see the partnership negotiated with the states as an absolute priority. I hope that all governments, state and federal, are prepared to undertake that negotiation as a matter of urgency.

On the issue of securing stability, as I touched on a moment ago we are concerned that there has been a move back to three-year funding arrangements. This unfortunately is different from the acknowledgement that the Commonwealth government made just last year, when they locked in funding to the Northern Territory for 10 years. I have to say that that was on the back of the punitive approach under the umbrella of Stronger Futures. While I have made very plain in this place that we do not support the Stronger Futures approach, believing it is a punitive approach, I said at the time and I will say again that locking in and confirming delivery of 10 years of funding is a positive approach and was strongly supported by community based organisations in the Northern Territory. We do not believe it is appropriate to fund that on the back of the closure of other programs. One thing we need to carefully do is go through the budget documents to make sure that funding has not been taken out of one funding source to transfer to another, as happened for the funding for the Northern Territory.

When we consider the funding it is helpful to reflect on some research that the Healing Foundation published just recently, within which they note two critical factors that funders of genuine healing programs need to be comfortable with, including long-term outcomes, because healing work takes time. We acknowledge that, because we have said that we need a period of time to fix the gap in life expectancy; that is why we have set 2030 as the target for ending the gap in life expectancy. The agreements acknowledge that in the first place. We need to ensure that is reflected in the way we fund these programs. As I said, this work takes time, both in terms of establishing programs that respond to the community healing needs and in terms of seeing change with individuals and communities.

We also need to address the issues around uncertainty, because healing empowers people in communities to make their own changes, and therefore the pathways and individual outcomes of healing cannot be readily known in advance. In other words, we need to be empowering, supporting and trusting the community in this process. This is a powerful summary of the challenge and the opportunity that is required in working in genuine partnership with Aboriginal communities. Is the government prepared to take on the challenge of working in genuine partnership not just with other states but also with the Aboriginal community and particularly with individual communities?
The report that I quote from is a report prepared by KPMG and the Aboriginal and Torres Strait Islander Healing Foundation, often referred to as 'the foundation', which provides program design guidelines for healing centres for Aboriginal and Torres Strait Islander people, drawing on both existing knowledge and practice in Australia and insights drawn from international experience. Healing centres have been identified by experts in the field of mental health and wellbeing for Aboriginal and Torres Strait Islanders as a promising approach to realise the many social and economic benefits of increased cultural, mental, emotional and physical wellbeing—among them reduced youth suicide rates. This is a very promising idea, but I am concerned that it may have been slowed down yet again because so far I have not been able to identify ongoing funding for the Healing Foundation and for these healing centres in the budget papers.

Their work is critical work that forms part of the apology to the stolen generations. While I was critical of the fact that there has not been, and there is still not, compensation for the stolen generations, we did acknowledge that funding for this type of healing work is very important and needs to be ongoing. As I have said, I have not been able to identify in the budget papers ongoing funding because, like many Aboriginal programs, funding for this program ends this financial year—in other words, in the not-too-distant future. We believe that we need to continue to fund this very important work that provides for the futures of Aboriginal and Torres Strait Islander peoples. It is very important that we invest long term into these programs, because we know that we have a huge task in closing the gap, which in some communities is a difference of 17 years in life expectancy between Indigenous and non-Indigenous people. If we are really committed to closing the gap by 2030, we need to commit to long-term funding and not take two steps forward and one step back, whereby we provide long-term funding for some programs and not others. We change our mind and give some people four years' funding, three years' funding, two years' funding. We know from reports that organisations are overwhelmed by the number of separate grants, the different reporting cycles, the different grant cycles, the different funding cycles. We need to commit to long-term funding for programs that we know are going to work and help close the gap.

**Manufacturing**

Senator THORP (Tasmania) (13:24): I want to talk today about the importance of a strong, diverse and resilient economy—an economy that capitalises on our national strengths with an unerring focus on protecting and creating Australian jobs. I also want to talk about how being a country that makes things is integral to achieving all of this.

Despite dominant perceptions that Australia is being kept afloat by Chinese resource contracts, manufacturing is a significant contributor to our economy. In my home state of Tasmania, it employs over 15,000 people and contributes over 15 per cent of the state's economic activity. We have a strong regional manufacturing presence on the north-west and a solid industrial hub in northern Bell Bay, which is home to Rio Tinto's aluminium smelter and a number of other large industries. In the south, boat builder Incat recently secured contracts for a world-first, high-speed passenger ferry powered by LNG turbines in South America and a new super-ferry in Denmark. I am pleased my colleague Senator Carol Brown and the Labor candidate for Denison, Jane Austin, recently led a
delegation to Canberra to discuss plans to secure Australian defence contracts for Incat. If Tasmania secured just five per cent of the Defence Force's planned equipment budget, this would inject up to $500 million into the state's economy.

Of course, high-quality, world-class manufacturing operations like Incat can be found in every state of this country. In fact, despite significant challenges last year, the contribution of the manufacturing sector to the Australian economy was a considerable eight per cent of GDP. Another great strength of manufacturing is its capacity to invigorate other local sectors. When a factory opens, retail, hospitality and other services follow with accompanying boosts to local primary production, utilities and construction. Some experts have estimated this powerful multiplier effect at a ratio of one to five. That is, each manufacturing job generates five more in other sectors of the economy.

In 2012, manufacturing contributed around $106 billion to the national economy and directly employed more than 950,000 people—around four times the number employed in mining. In addition, many resource sector jobs cluster around small, localised areas, while the hallmark of manufacturing is its impressive geographical breadth and diversity. But this is not about manufacturing versus mining; nor is it a question of which offers more to the country. It is about recognising that we need to build a diverse economy if we are to maintain our strong fundamentals and protect ourselves from future global volatility. Sadly, the manufacturing sector is facing some very serious challenges. As China expanded its manufacturing output dramatically over recent years, global production swelled and prices fell in turn. At the same time, increased demand for resources saw our dollar hit historic highs, making it even harder for Australian manufacturers to compete globally. Add to this global post-GFC uncertainty and you can see this has been a near-perfect storm for struggling Australian manufacturers. More than 100,000 manufacturing jobs have been lost since the start of the global financial crisis, despite the fact that the Australian economy as a whole has gained 960,000 jobs. Proud family businesses that have been serving their customers for generations have closed their doors, and local communities that have been built on a strong manufacturing heart have been devastated.

At the moment, we are at a risk of catching Dutch disease, where an increase in resource sector activity goes hand in hand with a debilitating contraction in manufacturing. If we are too reliant on resource dollars, we risk further vulnerability to global shocks and reduced ability to rebound if resource investment wanes. History tells us that if we do not act now to protect manufacturing, it may take decades to get back, if we do at all. I am proud that this government has committed to finding a way forward for the sector and saving Australian jobs. In October 2011, the Prime Minister's Taskforce into Manufacturing was formed with members from industry, unions, government and the R&D community. Their findings, reported in August last year, were both sobering and hopeful. They reiterated the unique combination of global, structural and cyclical forces that is placing so much pressure on so many Australian manufacturing businesses. They also pointed to the fact that this pressure could prevent the sector from capitalising on future opportunities, potentially leaving the economy as a whole weaker, narrower and more vulnerable. But they also voiced optimism about future opportunities for the industry and its place in the wider economy—opportunities that derive from
our proximity to Asia and from our proven, practical problem-solving ability. They highlighted the potential to supply mining, construction and defence, as well as the opportunity to build capacity in niche, knowledge-intensive areas such as medical and scientific equipment, pharmaceuticals, aerospace and advanced materials. They also pointed to the ability to leverage off this government's successful Clean Energy Future and National Broadband Network policies.

This government responded in the form of the forward-thinking, billion-dollar Plan for Australian Jobs. The plan lays the foundations for future growth and prosperity, whatever the future may hold. It encompasses practical, achievable solutions to help manufacturing to survive this time of transition and thrive well into the future. Importantly, we have made a strong commitment to back Australian firms to win much more work at home. New laws will require any project worth more than $500 million to show that it is taking steps to help Australian businesses win work. Global companies with projects over $2 billion will need to involve competitive Australian companies in their global supply chains. And a new Australian industry participation authority will oversee Australian industry participation plans. We are also taking steps to protect Australian products from the unfair practice of dumping, where overseas goods are sold in Australia at prices below their normal value. We have also appointed a new Automotive Supplier Advocate to boost sales of Australian-made cars to government and business fleets.

On the export side of the equation, we will establish 10 industry innovation precincts to bring together the expertise of industry, business, universities, researchers and experts. The precincts will work to achieve the innovations our businesses need to succeed in the future, turning new ideas and inventions into lucrative contracts. We will also help our small- to medium-sized businesses grow and create new jobs by providing $350 million in new funding and by improving tax arrangements to stimulate more private sector investment. A further $27.7 million Enterprise Solutions Program will help Australian businesses bid for public sector contracts, and we will expand Enterprise Connect, which offers businesses practical advice on improving their operations.

This is a serious plan from a government that is serious about Australian jobs and a diverse economy. In stark contrast to this coherent and thoroughly-consulted roadmap for the future of manufacturing, the coalition has offered nothing but negativity and gripes. It is glaringly obvious that the coalition plan is to not release any policies that go beyond fuzzy platitudes and self-evident proclamations. Despite calling manufacturing a pillar of the community, they have released precious little information about how they plan to keep it upright against the prevailing winds of international competition, the high dollar and global instability. What we do know is that Mr Abbott has long committed to slashing the funding that supports our vital automotive industry by $500 million by 2015, and to cutting it completely after that. This reckless plan threatens the livelihoods of more than 250,000 workers and threatens to relegate Australian-made cars to the annals of history. We also know about Mr Abbott's 2010 plan to shut down the successful Enterprise Connect program, which has helped thousands of businesses across the country to make practical improvements to their operations.

We on this side of the chamber will always look after the workers who built this country and who generate the wealth and
prosperity that make us great. Only a Labor
government will provide the support and
assistance necessary to look after decent
manufacturing jobs and to ensure that
workers receive the respect and pay and
conditions they deserve. Nobody should
believe for a second that the coalition has the
interests of manufacturing workers at heart.
It will rip the guts out of the sector in a short-
sighted, ideologically motivated, slash-and-
burn austerity frenzy that will cripple our
country's competitiveness and destroy good
Australian jobs. We must remain a country
that provides good, productive jobs for our
people. That means continuing to be a
country with a solid manufacturing base—a
country that makes things.

**Agriculture**

Senator BACK (Western Australia—
Deputy Opposition Whip in the Senate)
(13:34): I rise today to share with the
chamber and with the community the parlous
situation in which agriculture and
horticulture find themselves in this country. I
refer to horticulture, to livestock production
and to broadacre farming. It is interesting to
follow on from Senator Thorp and her
discussion about manufacturing, because the
largest manufacturing sector in this country
is food manufacturing. Indeed, the state of
Tasmania is very prominent when it comes
to the food manufacturing sector.

It was only three weeks ago that I had
occasion to be with the Hon. Sharman Stone
in Shepparton in the electorate of Murray
when SPC announced that it would be unable
to take a full quota of fruit from many of the
growers who have supported it for three
generations, with some growers to have their
trees removed completely and utterly
because there will be no contract at all and
the others to have contracts at quota levels
which will not make them viable. As I say,
second and third and even fourth generations
of the same families have been involved in
the canning industry. It is a tragedy to see
this happening. Yes, it is the high value of
the Australian dollar, and there is an
allegation of dumping going on—cheap
competition from markets overseas—but
once again this industry, proudly a small
business enterprise industry, is on its knees.
Certainly, action has to be taken. I know
there is engagement with the minister for
agriculture, and I hope there is also
engagement with the trade minister and
others, and with the Victorian state
government, to deal in some equitable way
with the problems that are occurring not only
in the Goulburn Valley but also, I
understand, along the Murray River and in
other areas.

I turn to the parlous situation confronting
livestock industries right across this country,
particularly in North Queensland, the
Northern Territory, the Kimberley and
Pilbara regions of Western Australia, and of
course down into our pastoral and even our
agricultural areas. It is terrible to be a
prophet of doom, but when in June 2011 the
trade in live cattle to Indonesia was
summarily banned, with no advance notice at
all, I made two predictions. The first was that
this would eventually hurt the meat
processing industry, as indeed it was hurting
the live cattle and subsequently the live
sheep industries. That has come to pass. At
the time, the meat processors thought this
was a good deal: ‘We have greater access to
stock. Therefore, prices will come down and
we will not be hurt.’ Well they are hurting
badly. The second was that we needed only a
poor wet season across the north of Australia
and we would have an animal welfare
disaster of a scale and a type we had never
seen in this country. Regrettably that is
exactly what has been happening and that is
why at this moment 300,000 cattle in
Queensland are facing either being humanely
destroyed or starving to death. It was a wholly preventable incident and that is where the tragedy comes from—it was a wholly preventable incident.

Let me put some statistics on the map for people who do not understand the industry. You will often hear, 'Live exports have taken such a significant proportion of cattle away from the market.' Ninety-two per cent of all Australian cattle are processed in Australia. Only eight per cent were processed through live exports to other specific niche markets. For those who think that the live export industry in some way was starving meat processing and causing abattoirs to close, they are completely and utterly fallacious comments. Two-thirds of Australian produced beef is sent overseas. We are the second biggest exporter of beef in the world—not the second biggest producer but the second biggest exporter.

It has been suggested that we go back to seasonal abattoirs and that we can process all of these animals on shore. As a young veterinarian I remember seasonal abattoirs in towns like Broome, Derby, Wyndham and Tennant Creek, all of which have closed. Why? Not because of the live export trade. They were long closed by the 1970s and the 1980s. The first shipment of live animals that went from Darwin to Indonesia was in 1991, unfortunately coinciding with the Dili massacre in East Timor. This dishonest and untruthful statement about abattoirs closing because of the live export trade is absolutely wrong.

We export our beef to a range of markets—Japan, the US, South Korea, South-East Asia and the Middle East. Whilst this is an aside to my comments this afternoon, Australia is being badly hurt because we do not have a free trade agreement with South Korea. America does, so they have a great advantage over us in selling into that market. We do not have a free trade agreement with China, which New Zealand has, so in China we are significantly disadvantaged. These issues have to be corrected and changed and they will only be corrected once we get a coalition government here in Canberra.

Recently the comment was made by animal activists—and I thought, 'What a put-down'—that a business model relying on one market, which can change at a whim, provides no surety or future security for producers. As a young lady from Animals Australia said:

It is disappointing to continue to hear that the five-week suspension to Indonesia in 2011 is still being blamed for issues facing the industry in 2013.

You bet they are disappointed! That same organisation and the other activists can largely thank themselves for the animal welfare disaster occurring across the north and the west of this country at the moment. In the cattle herds across the north the cows are heavily in calf and will soon drop their 2013 calves. Their previous calves have now been weaned and are still on the rangelands. Of course the calves from the preceding years should already have gone overseas but they are out there competing. That is why—added to poor seasonal conditions—we do not have sufficient feed.

It has been put to the wider community that in the Middle East markets there has been an increase in the sale of sheep meat—into countries like Bahrain, Qatar and Kuwait. What a fantastic thing that is because for a long time, for up to 40 years, the two trades have been complementary. The reliability of our live export trade to those markets has also led to increases in chilled meat sales, although they aspire to different markets. The increase in sales of sheep meat in recent times into Qatar is largely because that country, now a high-
socioeconomic country, is building more hotels and restaurants and taking more of our chilled meat product, and how proud we are about that. But the second market, the low-socioeconomic market, the market which is comprised of the majority of people in countries like the United Arab Emirates, Bahrain and particularly Saudi Arabia, are markets which the meat trade will never supply simply because they are low-socioeconomic and do not have refrigeration systems. They will buy out of wet markets.

Do we want to see an increase in meat sales? Of course we do. This country has tremendous capacity to provide both. As I have said so often and will go on saying: of the 109 countries around the world that export live animals only one country has ever invested time, money, resources and expertise into increasing animal management, animal husbandry, animal nutrition, transport and welfare, and that is Australia. Should we ever be denied the opportunity to continue live export trading into those markets two things will happen—animal welfare standards in those countries will deteriorate back to levels which we do not want to see and, secondly, as has happened in Saudi Arabia and as is happening now in Indonesia, we will also lose our meat markets.

Since 2011 the number of live cattle exported into Indonesia has halved. If the economic theorists are right, they would say that that would obviously lead to a doubling, at least, of meat sales. Well, what has happened? Our meat sales into Indonesia have also halved. We were supplying protein to 69 million low-socioeconomic Indonesians prior to the time the live trade export was summarily banned. No longer is there a supplier of that protein going to those people. The cost of meat is so high in Indonesia that it is, again, only those from high-socioeconomic backgrounds who are able to enjoy it. Australia's reliability as a supplier of protein has been shot. Over the last few years we have had representatives from the UAE and other countries saying, 'We want to come and buy your farming land. We want to run animals so that we can guarantee a supply to our own markets.' We have always said to them, 'No. We are a developed country. Allow us to grow these animals. Allow us to send you the product and you can consume it.' But, no, that circumstance has now changed completely.

I think it was in the year 2009 that the RSPCA commissioned the company ACIL Tasman to do what would be best described as a summary desktop study of the impact on the Western Australian sheep industry if the live export trade were phased out. Remarkably, the live export trade has been the one reason why we have supported prices in sheep in Western Australia for up to 40 years, because there has been competition between meat processing and the live trade. ACIL Tasman—how they achieved it I do not know—came to the conclusion that there would be no change in the prices if the live trade export ceased to be a competitor. Let me tell you some statistics of the last six to eight months. As recently as a few minutes ago one of my colleagues sold a line of rams for $44 that, last year, he would have got $120 for. He lost money on a line of ewes by sending them to the market recently where he sold them for $15 a head, and this time last year he would have got $60 a head for them. I could, of course, go on at greater length, but I simply leave the message on this topic that if animal welfare standards are to be preserved in this country and in our target markets Australia had better stay in the game.

In the last few moments available to me I want to reflect on the broadacre farming circumstance in my home state of Western Australia. I was asked to speak at a crisis
meeting of 1,000 farmers in the Eastern Wheatbelt town of Merredin two weeks ago. That was a town where I commenced my career as a veterinarian. It is a district that my family has been involved in for many, many years and it was so distressing to see that circumstance. But there are some lessons. Australian farmers would probably be amongst the few who do not insure themselves against loss of income. We all know that in any non-farm enterprise any prudent business person would always insure themselves against loss of income. It is the case that the more indebted a business is the more the bank would require that you have a form of loss of income insurance to protect the bank's investment, let alone the farmer or the businessman themselves. Indeed if you look at agriculture around the world—North and South America, Europe, the Eastern Bloc countries, South Africa—the concept of what I would call 'risk mitigated' or even 'multiperil' crop insurance is quite common. It has not been so in this country.

Whilst in the industry we appreciate some of the gestures being made now by the federal government and state governments to assist broadacre farmers, it really comes down to their capacity to know that they are going to be able to farm next year and their capacity to take out some form of insurance that will protect them against drought, against frost and against other events that cause loss of crop yields. There are a couple of new products in the market now from a Canadian company and from a Swiss company. So we have some competition and different products. I will leave this topic with the observation and the plea that if we are to actually do something for broadacre farming in this country, if we are to preserve the long-term integrity of food production, I would urge government as well as the industry to examine this type of option to ensure their future.

Palliative Care

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (13:49): I rise today to discuss a matter of great public interest. It concerns Australia's palliative care system and the importance of advanced care planning as an essential element within this system. There is no reason Australia should not aspire to have the most efficient and well-funded palliative care system in the world. The way we care for our most vulnerable, sick and dying citizens should be of the utmost importance. Ensuring we care for people so that they are provided with respect and dignity says so much about our society and its values. Relieving and preventing the suffering of a patient's pain is an essential part of any medical treatment. Fundamental to the process of palliative care is advanced care planning, which all Australian families across our great nation should engage in with their families and friends, because this issue is one that will affect all of us.

National Palliative Care Week commences on 19 May and runs through to 25 May this year. Palliative Care Australia's theme is 'Palliative Care—everyone's business.' This is not merely a catchy slogan; it aims to encourage all Australians to think about the palliative care system and, more importantly, to think about our loved ones and, more broadly, how we can care for the most vulnerable in our society. A nationwide educational program to disseminate information regarding palliative care is fundamental to this process. It is well understood that education is the best tool when it comes to matters of public health and an individual's wellbeing, which is why we should discuss the process of advanced care planning as an integral part of Australia's palliative care system.
Palliative care is an issue that will affect all of us, as I have said, at some point in our lives whether as a patient, a carer, a health professional, a family member or a friend. Palliative care is truly everyone's business. We all need to take responsibility for ensuring that we all have equal and quality care at the end of our life and are able to live and die well. Advance care planning acts to accomplish this—to ensure that an individual's choice about future medical treatments is respected and that their beliefs, preferences and decisions are made known to their families, carers and health professionals. This information can include the type of information a patient wishes to receive about their medical condition and how involved they will be in making informed decisions. It can also be about the sorts of clothes they want to wear, the type of food they want to eat and the location at which an individual is cared for towards the end of their life.

In life no individual is the same and therefore they will have different preferences in relation to their end-of-life needs. The reason it is imperative to have such decisions about the way in which you want to live is that people around you may improve your standard of living. This communication should ensure a person-centred approach and ensure the care is right for that particular person. Care must be provided at the correct time by the correct people and in the correct place. Crucial to this process are family, friends and medical professionals who can make the advance care planning process one of opportunity for the person being cared for.

From my first-hand experience and many people I have spoken to, having that communication with family, medical practitioners and carers provides clarity, may relieve any uncertainty and can provide reassurances to all parties so that dignity and respect is viewed as paramount. In my own family's circumstance, it certainly helped in the grieving process to know that my mother had put those processes in place so that all of the family, those caring for her and health professionals knew exactly what she wanted and when to stop intervention. I believe such communication is imperative as families may need to make decisions on behalf of the person if they are no longer able to do so for themselves. Moreover, such communication can aid, in particular, nurses and carers, who are the true heroes that care for individuals at the end of their life. From a community perspective, advance care planning is truly beneficial. It promotes the idea that every individual has a voice and that a voice is important regardless of a person's age, circumstances or health. No one individual should be treated as a burden due to their medical circumstances, and advanced care planning aims to ensure this fact.

Dying is a natural part of life. It is not a taboo subject and should not be treated as such. Our culture must reflect this. Our attitude should support a natural and dignified death, which is possible with advance care planning and a first-rate palliative care system. Advance care planning is important for all of us. I encourage all of my fellow senators and those listening to spread the message of advance care planning within their community. I encourage colleagues to have discussions with constituents so that they may have that important discussion with their family members and medical professionals. If this is accomplished, everyone's end-of-life wishes may be met. Palliative care is a very important issue facing residents of my home state of Tasmania, but underfunding of palliative care services is always a concern, especially due to our large and ever-increasing ageing population. Palliative care services are essential in our society and must remain the
first point of call when it comes to caring for our most vulnerable. Through palliative care, doctors, nurses and other health professionals treat the symptoms and ease the pain of the terminally ill, making them more comfortable and helping them lead a dignified life until death. The goal is not to cure the patient, but it is also not to expressly hasten that person's death.

As stated before, dying is a normal part of life. The state should invest heavily in palliative care to ensure that a person dies with the dignity they deserve. Fundamentally, euthanasia should be viewed as unnecessary. It should not be considered when the state possesses the capacity to increase funding for palliative care. Once again, I encourage all members to have discussions with their constituents, families and health professionals, not just during National Palliative Care Week but, rather, all year round so that citizens are educated on this very important issue. These discussions are crucial to ensure that people receive the best care at the end of their life. It should also safeguard against complacency when it comes to palliative care resources. This is an issue above politics. I hope everyone in this chamber would agree with me when I say that all governments need to continue to further advance care planning and improve palliative care resources so that we care for the people who most need our help.

I will continue to fight for and support those lobbying for better palliative care services across Tasmania so that Tasmanians who receive palliative care receive the best possible care. I would expect that all members in their respective states would do the same. I would like to put on the public record my thanks in particular to Barb Baker, who heads Friends of the Northern Hospice, in northern Tasmania, which is holding a public rally in Launceston on Friday, 24 May. To anyone listening, I encourage you to come along and support Barb and her group who are working to ensure that Launceston once again has a purpose-built facility for those needing end-of-life care. I would also like to acknowledge the wonderful work that people such as Dr Frank Brennan do by educating the Australian community and making himself available to speak at public forums to educate community members about the right way we should be going about supporting those who need end-of-life care.

I would like to move to another issue in the very limited time I have left, and that is to acknowledge Prime Minister Julia Gillard on the enormous step that she made in ensuring that the NDIS and DisabilityCare Australia are going to be funded into the future. The budget that was brought down yesterday by the government has ensured that the NDIS is legislated in stone to ensure that the biggest social reform our country has ever seen is going to be supported. It was a very proud day to be a member of this government when Wayne Swan introduced the budget last night to ensure that those who have been neglected by previous governments for so long are now going to be able to access the support that they need. That benefit goes beyond individuals with disabilities and beyond their families; it is a benefit to our Australian community.

Debate interrupted.

QUESTIONS WITHOUT NOTICE

Budget

Asylum Seekers

Senator ABETZ. (Tasmania—Leader of the Opposition in the Senate) (14:00): My question is to the Minister representing the Treasurer. I refer to last night's budget and the $5 billion blow-out it revealed in the cost of protecting our borders over the next four years. Will the government now admit that
the fact that more than 20,000 boat people have arrived so far this financial year is proof that the government has lost control of our borders in the same way as it has lost control of the budget? Will it admit that the extra $5 billion amounts to more than five times the $900 million cut from the tertiary education budget over the next four years or more than 13 times the amount the budget cuts from school funding? Why does the budget contain no plans to get the nation's borders back under control?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:01): We see the priorities of the opposition, and we see yet again their laserlike focus on negativity and their complete refusal to ever tell Australians what their plans for the future would involve, which of course we know would involve cutting to the bone because that is what Liberals do. That is what Liberals do.

That question is the same sort of thing we heard from the Leader of the Opposition today—it might have been last night—when he said this budget offered 'no hope'. No hope. What a thing to say of a budget that delivers disability care for over 400,000 Australians with permanent and significant disability in this country. You go out and say, 'There is no hope.' The extraordinary negativity in the face of what is supposed to be a bipartisan reform reflects very, very badly on the Leader of the Opposition and his representative, Senator Abetz, in this place.

And it is extraordinary in the face of a reform of schools to fund the schools of Australia so we no longer leave so many students behind, something we on this side regard as unacceptable. Why should someone's chance in life be determined by their postcode? That is the attitude of the opposition. It is not the attitude or the vision of the Labor Party. That is why we have done the hard yards in this budget to reform our schools and to provision for it.

But all the opposition can talk about, all they ever want to talk about, is asylum seekers. All they ever want to talk about is negativity. What they will not tell the Australian people is that they actually have no plan to manage this. It is amazing. Mr Abbott's position has gone from, 'I'll stop the boats,' to, 'We'll demonstrably diminish the flow.' (Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:03): What a nonanswer that was. Mr President, I ask a supplementary question. Will the minister confirm that the deficit the Treasurer announced last night will be his sixth deficit in his six budgets and the 13th Labor budget in a row to deliver a deficit? Will the minister also confirm that the $5 billion blow-out in border protection costs is a major contributor to the size of the 2013-14 budget deficit and in fact is equivalent to more than 17 per cent of all the future deficits the government budgeted for last night? That is why border protection is important.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:03): There we go again. All they can do, all they want to do—Opposition senators interjecting—Senator WONG: They have got their talking points: 'Don't talk about education. Don't talk about disabilities. Don't even talk about jobs. Just talk'—Honourable senators interjecting—Senator WONG: Thank you, I will take that interjection. 'No hint of a plan—don't even hint about a plan; just talk about boats.
That's all we want you to talk about.' That is a day after the budget has been handed down that looks at a plan for Australia's future, a plan to deliver the biggest reform in schools the nation has ever seen, a plan to deliver the next stage of Medicare—and only a Labor government would ever have delivered disability care. We remember how many times the coalition in history tried to tear down Medicare. You have always been late to this argument. But, no, they do not want to talk about that; they want to talk about boats, because that is all they ever want to talk about. In terms of the budget position—

(Time expired)

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Will the minister confirm that the $5 billion blow-out in border protection costs is more than three times the cost of the personal income tax cuts the government scrapped last week or would have been enough to build five brand-new world-class teaching hospitals?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:07): I thank the senator for her question. The Labor budget support jobs and growth. This Labor budget invests in the future at a time of economic insecurity around the world. This is what Labor budgets do—invest in the future, protect jobs, support industries, promote growth and provide services. Under Labor, 950,000 jobs have been created, with more Australians in work than ever before.

Those opposite need to acknowledge that they were a high-taxing government, in fact almost the highest-taxing government in the history of this country. It is estimated that the tax to GDP ratio in 2013-14 will be 22.2 per cent. That is 1.8 percentage points lower than the average of the last five years of the Howard government. Mr Abbott's choice will be to cut to the bone. It is in their DNA. They will put tens of thousands of jobs at risk and grind the economy to a standstill. That is what is in their DNA. If you need proof, you need look no further than the savage cuts of the Campbell Newman government. (Time expired)

Senator URQUHART (Tasmania) (14:10): Mr President, I ask a supplementary question. What choices did the government face in shaping the budget?
Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:10): Those opposite have told the Australian people at every turn that the policy they intend to pursue is austerity. They said the GFC was a six-week blip. No government gets to choose the global economic circumstances in which the budget is framed. But you do get to choose the priorities. Labor chooses a stronger, smarter and fairer Australia. While our economy remains resilient, powerful global forces and the stubbornly high Australian dollar have savaged budget revenues. When Labor are faced with a choice between cutting to the bone and putting jobs first, we proudly stand here and say, ‘We are putting jobs first.’ (Time expired)

Senator URQUHART (Tasmania) (14:11): Mr President, I ask a further supplementary question. Can the minister advise what initiatives the government is taking to make Australia stronger, smarter and fairer?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:12): Creating prosperity and spreading opportunity are the values which drive this Labor government every single day. These are the values the Australian people expect from their government. Labor has a proud record of making visionary choices which strengthen this great nation—the age pension, Medicare, universal superannuation, paid parental leave, pricing carbon. With this year’s budget, Labor builds upon that proud Labor tradition. That is why we are increasing school resourcing through the National Plan for School Improvement, that is why we are investing in the National Broadband Network and that is why we are establishing DisabilityCare—the national disability insurance scheme. These are the choices which government has to make to keep our economy strong. (Time expired)

Budget

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:13): My question is to Senator Wong, the Minister representing the Treasurer. Given the current legislated debt ceiling of $300 billion and the projected increases in government debt over the forward estimates, can the minister advise the Senate exactly how much gross debt will be at the end of each financial year across the forward estimates?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:13): I am asked about debt. It is important to recognise a couple of things. The first is that all the debt figures are published, in the usual way, in the budget papers. The second point I would make is that, despite the fear campaign from Senator Joyce—although I notice that Mr Hockey is now trying to tone his rhetoric down a little—Australia's debt remains very low by international standards. Our net debt peaks at 11.4 per cent of GDP, which is about one-eighth of the average of the advanced economies. In other words, the debt of the major advanced economies is on average eight times greater than Australia's. So I think it is an important economic fact to get into the discussion, because there is a lot of economic fiction, particularly from Senator Joyce, that gets put into the debate.

Senator Joyce: Mr President, I have a point of order on relevance. The question is quite clear. It asked what the gross debt will be at the end of each financial year. However, what we seem to be getting is
percentages and analogies. Now the minister might not know the answer. That is all right. Just tell her—

The PRESIDENT: That is now debating it. You have taken your point of order. I believe the minister is answering the question. The minister has 59 seconds remaining.

Senator WONG: I know that Senator Joyce is conducting a one-man campaign to change the OECD's, the IMF's and the generally accepted economic metric by which economies measure their indebtedness. I wish him luck in that, but I do not agree with it. The reality is that net debt is a sensible way for governments—

Honourable senators interjecting—

The PRESIDENT: Order! Senator Joyce is interjecting at the other end of the chamber and there are people interjecting in between. Order!

Senator WONG: Net debt begins to fall as a per cent of GDP from 2015-16 and will reach zero in 2021-22. In terms of CGS on issue, I would remind the senator that the value of CGS on issue in the budget papers, because of the accounting standards, is the market value. Commonwealth government securities on issue is the market value, and that is what is reflected in the budget papers.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:17): Mr President, I ask a supplementary question. We did not get an answer to that question, so I will be quite clear with the next one. What is the market value, seeing as you referred to that, of the government debt over the forward estimates?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:17): These numbers are all set out in the budget papers. I can stand here and read out the budget papers, but—

Honourable senators interjecting—

Senator WONG: Senator Brandis says, 'Well, do.' I am not sure. I think the next time I 'well, do' read the budget papers in question time, I suspect he will probably tell me off, because he will say, 'We can read the budget papers ourselves.'

Senator Brandis: Mr President, a point of order on direct relevance—the question was: 'What is the market value of government debt over the forward estimates?' The question was directed only to a figure. The minister has acknowledged in what she has already said that she has that figure in her possession, so she is able to answer the question. You should direct her to do so.

The PRESIDENT: I cannot direct the minister on how to answer the question. I believe the minister is answering the question. The minister still has 36 seconds remaining to address the question.

Senator Conroy interjecting—

Senator WONG: I think Senator Conroy is suggesting that it is in statement 3. I suspect it is in a couple of statements of Budget Paper No. 1. As I said, the market value is listed in the budget papers. The relevant debt figure, though, for the purposes of assessing the strength of the economy, is, of course, net debt. I would refer the senator to the comments of Mr Howard yesterday, which reminded the coalition—(Time expired)

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:19): Mr President, I ask a further supplementary question. The finance minister of the Commonwealth seems embarrassed to mention our own debt, so I refer the minister to the fact that the budget papers show that
the market value of Australian government debt will peak at $370.3 billion. When does the government plan to increase the debt limit above $300 billion? Maybe she could be succinct in answering that, unless she is scared of that answer as well.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:20): Was that supposed to be a 'gotcha' question? You know the answer and then you read the budget paper back to me as a supplementary. So that we are clear about the political strategy: you read the budget paper at me, after asking me what is in the budget paper. Is this a serious discussion of the federal budget from the coalition? Is this a serious discussion, the day after the federal budget, from the coalition? The best they can do is try and get 'gotcha'—

Senator Joyce: Mr President, I have a point of order on relevance.

Senator Conroy interjecting—

Senator Joyce: You wouldn't know what that was about, would you? The question clearly asked when they planned to increase the limit above $300 billion. You cannot be clearer than that, Mr President. She either knows the answer or she does not. If she does not, that is fair enough—she can just sit down and call herself incompetent.

Senator Conroy: Mr President, on the point of order: Senator Joyce was completely disingenuous about the question he asked. He had a rambling commentary before, during and after the actual substance that he has just mentioned. So it is completely disingenuous, when he goes on a rambling commentary, to try and claim that the answer is not directly relevant.

The PRESIDENT: Order! That is debating the issue. The minister still has 34 seconds remaining.

Senator WONG: In relation to the debt cap, it is not necessary to lift the debt cap. We anticipate significant headroom under the cap at the end of the 2013-14 financial year, and the numbers will be reviewed in the usual way again before the 2013-14—

Honourable senators interjecting—

Senator WONG: As I was saying, the numbers will be reviewed again before the end of 2013-14 in the normal way in the next budget. I would also remind the Senate that Australia's AAA credit rating has been reaffirmed overnight by all three ratings agencies on the back of the government's budget. (Time expired)

Carbon Pricing

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): My question is to the Minister representing the Minister for Climate Change, Industry and Innovation. I believe that is still Senator Wong. Is that correct?

The PRESIDENT: No.

Senator MILNE: Who do we have now?

The PRESIDENT: I understand from the sheet that is in front of me that it is Senator Lundy.

Senator MILNE: Thank you, Mr President. I redirect the question then to Senator Lundy, the Minister representing the Minister for Climate Change, Industry and Innovation. Given the government has said that the funding to climate related programs has been cut or deferred because, when trading starts, the carbon price is likely to be lower than anticipated, and since the trading period does not start until 2015-16 and there are no changes to the value of carbon permits in the fixed-price period, why have you reduced funding to the Australian Renewable
Energy Agency to the tune of $113 million over the next two years?

Senator Lundy (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:24): First of all, I would like to be absolutely clear about one thing, and that is that the carbon price introduced last year is working extremely well. The carbon pollution in our National Electricity Market fell by 10 million tonnes—

Opposition senators interjecting—

The President: Order! Senator Lundy, resume your seat. I remind those on my left that when there is silence we will proceed. It is Senator Milne's question; she is entitled to hear the answer.

Senator Ludwig: Mr President, I rise on a point of order. The question went to Senator Lundy couching as a climate change question. But if it is a question about ARENA it does fall within my portfolio of resources. As the question unfolded, it seemed to go more to ARENA than to a climate change question. Be that as it may, Senator Lundy is certainly answering the question. But I will just make the point that in the future if questions are about ARENA and not climate change then they should come to me.

The President: I understood the question was directed to Senator Lundy. I understand Senator Lundy is in the process of answering the question. If the question should be directed otherwise in the future, that will be taken note of and that will be something that can be worked out by others behind the scenes.

Senator Lundy: A lower price means that the cost impact of the carbon price on households and industry is also projected to be lower from 2015. Key elements of the plan were designed to move in line with changes in the carbon price, and this remains the case. The government has taken the revised revenue estimates into account in making adjustments to the priority and timing of clean energy and related expenditure to ensure the Clean Energy Future package is budget neutral. These adjustments are modest.

But, in relation to ARENA, the government is fully committed to ARENA and to improving the competitiveness of renewable energy technologies in Australia. With over $3 billion of funding still available, the government has decided to re-profile a small portion of ARENA's funding to better fit with its investment plan and funding strategy on advice from the ARENA board. This re-profiling will extend funding for ARENA for an additional two years, until 2021-22.

We have also increased departmental funding for ARENA in 2013-14 to further bolster the organisation's capacity and ensure it has the appropriate staffing to deliver project investment. When ARENA was established, $200 million from the Education Investment Fund rounds for Solar Flagships was earmarked for investment in solar energy projects. The government has decided to reduce that allocation by $159.1 million. This funding is managed by the Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education and was never under ARENA's direct control. (Time expired)

Senator Milne (Tasmania—Leader of the Australian Greens) (14:28): Mr President, I ask a supplementary question. I understand from the minister that it was the board of ARENA who said they were quite happy for the cut. So I now ask: given that there are no changes to the carbon permits during the next two years of the fixed-price period, why have you reduced funding to the
Low Carbon Communities program to the tune of $66 million, denying councils and low-income households energy efficiency and lower power bills? This is not to do with flexible pricing; the money is guaranteed for the next two years.

Senator Ludwig: Mr President, I rise on a point of order. This is a question which should be directed to the resources portfolio. The energy efficiency initiative, which helps reduce the household energy bill, is within the resources portfolio. I make the point again that Senator Milne might want to consider when asking a question of the climate change portfolio whether it is a climate change question and not a resources question.

The President: I understand the point that is being made. The minister responding is Senator Lundy. It is up to the government to respond to the question.

Senator Lundy (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:29): I go back to my first point, which is that the carbon price is working very effectively in Australia. Australians have a choice coming up. They have a choice between a government that is investing in our future, making the transition to a low-carbon economy, or they have the choice of those opposite, who still ridicule the idea of climate change.

The Community Energy Efficiency Program and the Low Income Energy Efficiency Program will provide almost $200 million in grants to around 200 projects throughout the life of the Low Carbon Communities initiative. These projects provide demonstration projects spanning a large variety. Given the scope and breadth of projects currently supported, there is likely to be minimal additional benefit derived from further expenditure on these Low Carbon Communities measures, as they would not add to the outcomes achieved by the current trial and demonstration activities. (Time expired)

Senator Milne (Tasmania—Leader of the Australian Greens) (14:30): Mr President, I ask a further supplementary question. I finally ask the minister, since she said before that it was a government decision to make this net carbon neutral: given the defence budget is not revenue neutral, especially during a war, why should the carbon-pricing mechanism or the clean energy package be revenue neutral in a climate emergency, where urgency is everything and where the world has just ticked over to 400 parts per million of carbon dioxide, a dangerous level for a dangerous climate?

Senator Lundy (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:31): Carbon pricing remains the most effective and economically responsible approach to reducing emissions. The carbon price is working to cut emissions. During that period, the economy continues to grow, thanks to the economic management by the Labor government. What the fixed-price period shows is that it provides certainty to business while the scheme is introduced, kick-starting the investment in renewable energy and clean technologies which will transform our economy.

Senator Milne: Mr President, I rise on a point of order. I draw the minister's attention to relevance. I asked her to justify the revenue-neutral aspiration, since we are in a climate emergency. Does she or doesn't she agree?

The President: That is not a point of order at this stage.
Senator LUNDY: As I was saying, from 1 July we will move from a fixed carbon price to a market price linked with Europe, and we are now expecting the carbon price to fall from $25.40 in 2014-15 to $12.10 in 2015-16. This is relevant because we are committed to implementing a carbon price in an economically responsible way. We are expending a huge amount of money through our carbon reduction programs, through our support for clean energy, and we will continue to do that. (Time expired)

Budget

Senator CORMANN (Western Australia) (14:32): My question is to Senator Wong, the Minister representing the Treasurer. Given that the Prime Minister and the Treasurer promised a 'come hell or high water' surplus in 2012-13 on more than 500 occasions and that the government is now forecasting a $19.4 billion deficit, how can anyone believe anything in last night's budget, when we could not believe what was in last year's budget?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:33): It is the case that the government believed, on the basis of the economic forecasts, that a surplus would be returned this financial year. It is the case that the government believed, on the basis of the economic forecasts, that a surplus would be returned this financial year.

Senator Ian Macdonald: Nobody else did.

The PRESIDENT: Order! If you wish to debate it, that is for after question time.

Senator WONG: It is not just the Treasurer and the Prime Minister who said that—

Senator Cormann interjecting—

The PRESIDENT: Order! You have asked a question, Senator Cormann. You are entitled to have an answer, but it is very hard to answer a question when you are asking a question while the answer is being given.

Senator WONG: It certainly is something that not only the Prime Minister and the Treasurer said; I said it, and I said it in this place. That was based on the best forecasts we had, the forecasts which were prepared by those who prepared the forecasts for Mr Costello and Senator Minchin for 11 and, I think, six years respectively. The facts are, though, that the economic circumstances have changed, and responsible governments have to adjust to those circumstances and do what is right for the country. I accept that I and other economic ministers and the Prime Minister will wear and are wearing some political criticism for that, but I will tell you this, Mr President: this government—

Senator Ian Macdonald: Perhaps you could apologise.

The PRESIDENT: Order! Interjections are disorderly. Senator Cormann has asked a question. He is entitled to hear the answer to the question.

Senator WONG: This Labor government will always put jobs and growth first. We will always do that, and that is what we have done, because, when you are faced with the second largest write-down in revenues since the Great Depression, a government has two choices: you can cut to the bone and chase revenue down and ensure unemployment rises and the economy stalls—is that the prescription?—or you can make the decision that we did to defer the return to surplus, because the economy required us to make that decision, delivering a measured return to surplus and taking $43 billion worth of savings to ensure that we can deliver programs like DisabilityCare and the schools reform package. That is the choice this government has made, and we have laid it out. (Time expired)
Senator CORMANN (Western Australia) (14:36): Given the government's revenue estimates this year are based on a prediction that our terms of trade will remain 15 per cent above the highest level they ever were under the previous coalition government, and the unbelievable prediction that mining tax revenue will increase more than 10 times over the forward estimates and that the carbon price will be at least double the consensus estimate of independent experts in 2015-16, isn't the government still getting its revenue forecasts terribly wrong?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:37): First, in relation to the mining tax: I know Senator Cormann believes he can get away with not telling Australians what he would cut, by trying to create economic fiction. These are the numbers you would have to deal with if you were on this side of the chamber, so grow up and deal with them. Grow up and deal with them, because that is what is required: a mature and responsible approach to these economic circumstances. The senator is waxing—

Senator Cormann interjecting—

The PRESIDENT: Order! Senator Cormann, you are entitled to debate this at the end of question time, but debating it during the time that the minister is answering the question is disorderly. You are entitled to have the answer and the minister is entitled to give it to you in silence.

Senator WONG: It is a little like the asylum-seeker issue. The opposition want to pretend that they can fix the budget magically, without telling anybody what they would really cut. In terms of the mining tax, they want to pretend this is an issue only over the mining tax. Let me tell you the economic facts: the mining tax write-down is a fraction of the revenue write-down that is in the federal budget—a fraction. That excuse is not going to work. (Time expired)

Senator CORMANN (Western Australia) (14:38): Mr President, I ask a further supplementary question. Is the government's promise to bring the budget back to surplus in 2016-17 a rock-solid—come hell or high water, it will happen—guarantee?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:38): The budget is a range of choices around the future and for the future, savings decisions—some of which have already been criticised by those opposite—and a pathway to surplus. I remind those opposite, in the face of their hysteria, that the AAA credit rating on the back of the budget has been reaffirmed by all three credit rating agencies, despite your hyperbole and your saying that the sky is going to fall.

But what I will say is this: we have laid out our plan for the Australian people; where is yours? They come in here and they say, 'We'd fix everything, we'd have bigger surpluses.' Well, what would you cut? What would you cut? Would you cut pensions? Would you cut Medicare? Would you cut the Pharmaceutical Benefits Scheme? Will you walk away from DisabilityCare? Will you hack into our universities and our research? Tell people what you would cut. Universities have grown 75 per cent under us. There has been a 75 per cent increase under Labor governments. (Time expired)

Budget

Senator MARK BISHOP (Western Australia) (14:40): Mr President, I have a very important question.

Senator Ronaldson: You should be a minister!
Senator MARK BISHOP: Mike, stop interrupting! My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate how last night's budget supports jobs and growth, sets a pathway to surplus and makes smart investments for our future? In particular, how does the budget make our economy stronger, make our nation smarter—pay attention there—and make our society fairer?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:41): The budget that the Treasurer and Deputy Prime Minister delivered last night was a Labor budget to keep the economy strong, to make the right investments, the smart investments, for our future and to ensure that every Australian gets a fair go. Whilst a government cannot choose all of the economic circumstances it confronts, it can choose its priorities. On this side of the parliament, we chose to support jobs and growth, we chose a stronger economy and we chose to build a smarter nation and a fairer society.

I want to turn first to the strong economic performance of the Australian nation. I know those opposite hate the good news on jobs, don't they? Who would have thought patriotic Australians would actually hate job creation, would actually hate the fact that over 950,000 jobs have been created since this government came to power and would hate the fact that the economy is 13 per cent bigger than when the government was elected? Who would have thought those on the other side would want to go around saying what a dreadful position it is that Australia has one of the strongest economies in the developed world! They do not want to acknowledge that. But even Mr Howard, on Friday, said:

When the Prime Minister and the Treasurer and others tell you that the Australian economy is doing better than most—they are right. It is amazing. I have not heard John Howard praise the Labor government before and I disagree with almost everything he did, but I will take the recognition—the recognition of the strength of the Australian economy. Of course, overnight we also saw, as I have mentioned, the AAA credit rating reaffirmed by all three credit rating agencies. (Time expired)

Senator MARK BISHOP (Western Australia) (14:43): Mr President, I ask a supplementary question. Can the minister outline the major initiatives included in last night's budget that build a stronger economy, a smarter nation and a fairer society?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:44): As I said, budgets are about choices. They are about what sort of future you want for the Australian nation. We made our priorities very clear last night—first, that we would put jobs and growth first; and, second, that despite the hit to revenues, despite the difficult budget circumstances the nation found itself in, we would make room for two key priorities that are very important reforms that will transform the nation. The first of those is DisabilityCare. It is the next stage of Medicare. It is overdue and it is ensuring that people with a significant and permanent disability in this country finally get the support and the services that they need.

We are also ensuring we invest in a smarter nation, investing in our schools. We on this side do not believe it is in the spirit of the Australian fair go that too many children get left behind because of their postcodes, and we have made room for that investment. (Time expired)
Senator MARK BISHOP (Western Australia) (14:45): Mr President, I ask a further supplementary question. Can the minister outline any alternative approach to building a stronger economy, a smarter nation and a fairer society?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:45): There is no alternative approach. The only approach that has been outlined by Mr Abbott and Mr Hockey is: 'Just leave it with us and we'll get back to you after the election. We'll tell you after the election just what we will cut.' Well, the reality is this: either those opposite accept the savings measures the government has put on the table or, if they do not want to take them, they tell Australians what else they will cut or they confess that they are actually going to have bigger deficits. Those are the economic facts.

The reality is that we have an opposition leader and an opposition Treasury spokesperson who do not want to let Australians in on the secret, on what their real plans are, on what their real cuts are, on the fact that they would cut to the bone, because that is always what the Liberal Party does, were they to win—(Time expired)

Budget

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:46): My question is to the Minister for Human Services and the Minister representing the Minister for Disability Reform, Senator McLucas. I refer the minister to page 4 of the budget related paper entitled 'DisabilityCare Australia', in which there is a graph headed 'Meeting the costs of DisabilityCare Australia', in which there is a graph headed 'Meeting the costs of DisabilityCare Australia'. The graph covers the period 2012-13 to 2022-23 and it purports to show full funding of the NDIS over the decade. The so-called savings in this graph include a category called 'Other long-term savings', 'Selected long-term savings from 2013-14 Budget and 2012-13 MYEFO'. Can the minister please disaggregate these unidentified and unquantified savings and advise the Senate what they are?

Senator McLUCAS (Queensland—Minister for Human Services) (14:47): I thank the senator for the question and for his interest in delivering a national disability insurance scheme to our country. The Australian government is committed to delivering the fundamental change needed to make sure that people with disability get the care and support they need to participate as much as possible in education, in work and in community life. I am so pleased that we now have historic agreements with all states, except Western Australia, to roll out the full scheme. DisabilityCare Australia will give people with disability, their families and their carers the care and support they need over their lifetimes and choice and control over the services they receive.

In our 2013-14 budget the Australian government has invested $14.3 billion in new funding over seven years to move towards full implementation of DisabilityCare Australia, the National Disability Insurance Scheme, by July 2019. The funding will provide funded support and care packages for DisabilityCare Australia and for local area coordinators and assessments. Assistance to people with a disability not eligible for an—

Senator Fifield: Mr President, a point of order on relevance: I have taken a while and let the clock run down because I was hoping that the minister would get to the substantive answer to my question, which was very specific. It related to the category termed 'Other long-term savings' in the graph on page 4 of the document to which I referred, which has a subcategory 'Selected long-term
savings from 2013-14 Budget and 2012-13 MYEFO'. The question to the minister was to disaggregate that particular category. The minister has referred to a headline figure of investment, which I am aware of, but the question was to disaggregate that particular category to which I referred.

The PRESIDENT: On the point of order, there is a need to address the question that has been asked by Senator Fifield. I draw the minister’s attention to the question.

Senator McLUCAS: Thank you, Mr President. I think the context is important, but I do take your direction. Can I also indicate to the Senate that the 2013-14 budget measures provide funding of $14.3 billion over the seven years to 1 July 2019. The measures include new funding of $1.9 billion for transition to full schemes, $3.8 billion in 2017-18 and $6.2 billion in 2018-19. But the responsible savings that the senator refers to include reforms to the government’s assistance for private health insurance, reforms to retirement incomes and the phase-out of the net medical expenses tax offset as DisabilityCare rolls out, and other long-term savings decisions in the 2013-14 budget. (Time expired)

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:50): Mr President, I ask a supplementary question. At the end of that answer the minister referred to the other long-term savings, which is actually the matter of the primary question. If the minister is unable to disaggregate those other long-term savings, perhaps she could just give me a total figure for the period 2012-13 to 2022-23. Perhaps she could give me that headline figure.

Senator McLUCAS (Queensland—Minister for Human Services) (14:51): As the Senate will know, in the last two years we have worked very hard with the community of Australia to deliver and design a national disability insurance scheme. I would suggest that the questions the senator is asking are the sorts of questions that we have Senate estimates for, so I encourage him to bring them to the Senate estimates when we convene in a couple of weeks.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (14:51): I would have thought that question time on the day after the budget was exactly the forum to ask questions of this nature. Let me put it another way to the minister: is it not the case that money, including the so-called saves that I referred to before, is fungible and the only funding that is guaranteed for the NDIS will be the hypothecated levy funds? Is it not also true that the levy funds will cover less than half the required additional Commonwealth funds in the post-launch period?

Senator McLUCAS (Queensland—Minister for Human Services) (14:52): Our government has a plan for people with disability in this country. Our plan will deliver individualised care packages and personal care and support to every Australian who needs personalised care and support, except unfortunately those currently in Western Australia. We have worked hard to devise the funding that now sits beside the legislation that has passed through this chamber. Tomorrow we hope that we will receive the legislation that will deliver the funding elements that will give families and people with disability the certainty they need that they will have a National Disability Insurance Scheme not for four years but for their lives.

Malaysia

Senator XENOPHON (South Australia) (14:53): My question is to the Minister for Foreign Affairs, Senator Bob Carr. On 8 November 2012, the minister made the following statement:
Promoting democracy helps to secure peace, prosperity and stability in our region.

I note the minister's record in supporting democracy in Fiji, Myanmar and Pakistan, to name but a few nations. Ten days ago Malaysia's 13th general elections were held. The official results had the opposition gaining 50 per cent of the vote, but it obtained only 40 per cent of the seats and lost to the ruling coalition Barisan Nasional. Since then Bersih, the clean and fair elections movement in Malaysia, has stated that there was massive electoral fraud and irregularities in the elections with the opposition leader, Anwar Ibrahim, referring to the worst electoral fraud in Malaysia's history. Does the Australian government share the concerns expressed by the White House and the EU over the need for a proper investigation of the allegations made?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:54): Mr President, I acknowledge Senator Xenophon's keen interest in Malaysia and the welfare of the people of Malaysia. I underline what I have said in the past about his comments on the Malaysian election campaign. The first thing I want to repeat is that we are not in a position to make determinations about how that election was run. We cannot be the electoral commission for Malaysia. We cannot make determinations about which voter is eligible and which is not. We cannot make determinations about whether the ink put on the finger of someone who had completed a vote washed off easily. We cannot make those sorts of judgements. We do not have the resources to do it. The people from our high commission were out and about around polling places throughout Malaysia, observing the election, but they cannot make determinations about these sorts of arguments. We are not the court of disputed returns for Malaysia. We cannot make a determination from our high commission on the validity or otherwise of complaints made about it. On the question of observers, and Senator Joyce suggested we send observers, it is not the practice of the Australian government to send observers uninvited into a country that is conducting an election. Observers go as part of a Commonwealth mission, as they did to the elections held in Papua New Guinea last year. Observers will go to Zimbabwe as part of a Commonwealth mission, but again—

(Time expired)

Senator XENOPHON (South Australia) (14:56): Mr President, I ask a supplementary question. Last night opposition leader Anwar Ibrahim spoke to me and posed a question, which I ask of the foreign minister. How can Australia be blind to and condone such blatant fraud and massive rigging of the elections? Whilst I note the minister's comments that we cannot be a court of disputed returns, will the minister at least raise these concerns with the Malaysian government at regional forums, including the Bali Democracy Forum, and in particular with the Commonwealth secretariat? That is not a court of disputed returns. Will you raise these concerns?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:57): The conduct of the elections is a
matter for the Malaysian people, and I see no basis for raising them in any Commonwealth forum and it is not within the scope of the Commonwealth Ministerial Action Group to look at the conduct of elections in Malaysia. Malaysia is a country with which we consider ourselves a close friend as well as a neighbour. Malaysia is an important regional partner to Australia. It is in our national interest to work with whatever government the people of Malaysia themselves choose. The people of Malaysia have changed government at the state level. They have opted to do that; they have been able to do it. The people of Malaysia have voted out government candidates in by-elections. No one would consider for a moment that the elections were conducted in a way that elections would be in Australia. (Time expired)

Senator XENOPHON (South Australia) (14:58): Mr President, I ask a further supplementary question. Does the minister have a view about recent reports in the Malaysian government controlled media that Anwar Ibrahim may be charged with sedition, which carries a three-year jail term, merely for speaking out at public rallies, challenging the validity of the election result? Would the foreign minister be concerned if such charges were laid?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:58): Of course we would be concerned, but to speculate about it is to do precisely that. That is a hypothetical position, and we would hope that no opposition leader in Malaysia would be charged with sedition or anything else for speaking out and debating the conduct of an election. Of course, that would be a valid matter for us to respond to but, again, that is a hypothetical question. The way the elections are being conducted is a matter for the Malaysian people. As I said at the time of the election, we will deal, we will work, we will partner with whatever government the people of Malaysia choose. There has been a trajectory, not only in Malaysia but also throughout the region to our north, for elections to open up and be conducted by more inclusive and robust rules. We have seen that in the nations to our north with the most imposing example being that provided by Indonesia. Indonesia can be considered a great democracy—(Time expired)

Budget

Senator SINODINOS (New South Wales) (15:00): My question is to the Minister representing the Treasurer, Senator Wong. The minister would be aware that market reaction to the budget was negative with the Aussie dollar quickly falling half a cent within a few hours. It slipped below 99 cents. I ask whether the minister is aware of this comment by UBS strategist Matthew Johnson:

Accounting for the cyclically high terms of trade, Australia has the weakest of the 'structural' fiscal balances in the AAA club. He argues that the failure to plan for the inevitable decline in commodity prices is 'symptomatic of broad policy failure.' NAB's head of global research, Peter Jolly, has commented that 'the budget, with only a slow crawl back to surplus, hasn't improved the relative positioning of Australia amongst the eight AAA rated nations.'

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:01): I am pleased that Senator Sinodinos actually acknowledges—Senator Conroy: Like John Howard!

Senator WONG: like his former employer—that we are in the AAA club and that he may want to know, and he probably does know, that this is the first time Australia
has held the AAA rating from all credit rating agencies.

Senator Ian Macdonald: The muppet's back!

Senator Wong: Last time I looked, Senator Macdonald, the rating agencies were relevant to the market and the question was about the market. Senator Sinodinos's questions are far more sensible than your interjections. I will talk a bit longer if you would like, because I love it when you try and shout me down. I will keep talking. In terms of the structural budget position, I look forward to the coalition abolishing one of the so-called great policies of the Howard government era which is the baby bonus, which was trumpeted by those opposite but of course does continue to detract from the structural position of the budget. They oppose the budget's previous savings measures because the member for North Sydney was rolled by Mr Andrews. As yet, we have not heard from them what their position is, so I look forward to their response on that issue. Of course another important structural save—which is contributing to disability care—is the means testing for the private health insurance rebate, also opposed by those opposite. If they want to fund disability care, I look forward to them telling Australia what they will cut instead.

Senator Sinodinos (New South Wales) (15:03): Mr President, I ask a supplementary question. MST Capital's Brendan Paul was quoted today as saying:

This budget further weakens key vulnerabilities of the Australian economy in the eyes of the ratings agencies. It attacks one of our perceived historical strengths of 'high fiscal flexibility' and pushes us closer to the edge of the AAA rating and the risk of a 'negative watch'. It definitely limits the government’s flexibility to respond to the downturn induced by the fall off the capex cliff in 2015.

Senator Wong (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:04): I thank Senator Sinodinos for his question. Standard and Poor's, 14 May 2013:

... the government continues to demonstrate a commitment to prudent fiscal policy over the medium term ...

It referred to 'the low level of public debt in Australia' and went on:

We continue to consider the Australian government’s fiscal position to be a key rating strength ... public debt will remain low despite some modest additional borrowing in the next few years ... The stable outlook reflects our view that Australia's public finances will continue to withstand potential adverse financial and economic shocks ...

Moody's: Australia's relatively low level of government debt has been one of the factors supporting the AAA rating.

Fitch:

Australia's low sovereign debt ratios means the sovereign has begun its fiscal consolidation from a position of strength and has headroom to reduce its deficit more slowly than many other advanced economies ...The budget does not have any implications for the rating.

Thank you very much.

Senator Sinodinos (New South Wales) (15:05): Mr President, I ask a further supplementary question. Page 31 of Budget Paper No. 1 says the government's medium-term fiscal strategy is to achieve budget surpluses on average over the medium term. How can the Australian people trust the government, given that the government is expected to deliver large budget deficits for seven consecutive years?

Senator Wong (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:05): The government has
laid out its choices for building a pathway to surplus. They are set out in the budget papers. I suggest to Senator Sinodinos, as one of the people on that side of the chamber who understands the budget and economic matters, that it is time for the alternative government to fess up to the Australian people about what their choices would be.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Budget

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:06): I move:

That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by the Leader of the Opposition in the Senate (Senator Abetz), the Leader of The Nationals in the Senate (Senator Joyce) and Senators Cormann and Sinodinos today relating to the 2013-14 Budget.

When last night we learned that, on the latest version of the government's budget projections, the budget would return to surplus or, I should say—let me not fall into the trap laid by the Labor Party—would, for the first time, achieve a surplus in 2015-16, no fewer than eight years after the election of the Labor government, eight years in which every budget has been or is projected to be in deficit, I was reminded of the tale of Lemuel Gulliver. After he visited Lilliput, Gulliver went on to travel to the land of Balnibarbi and, as Jonathan Swift records:

The first man I saw was of a meagre aspect, with sooty hands and face, his hair and beard long, ragged, and singed in several places. ... He has been eight years upon a project for extracting sunbeams out of cucumbers, which were to be put in phials hermetically sealed, and let out to warm the air in raw inclement summers. He told me, he did not doubt, that, in eight years more, he should be able to supply the governor's gardens with sunshine, at a reasonable rate.

Last night, when we heard Treasurer Swan say that after eight years a Labor government would eventually have the budget back in surplus, I was reminded of the man of meagre aspect in *Gulliver's Travels* who, after eight years, would have succeeded in extracting sunshine from cucumbers. The fact is, this budget is comprised of rubbery figures, dodgy methodology and incredible assumptions. I draw the attention of the Senate to just one of them, which goes directly to Senator Abetz's question concerning the cost of boat arrivals. Let me take you to Budget Paper No. 1, page 6-49, which is the assessment of the costs incurred by unauthorised illegal boat arrivals, estimated in this budget to be $4.376 billion. We all know that the rate of unlawful arrivals has not only been growing but also has been growing at an accelerated rate—

Senator Abetz: Exponentially.

Senator BRANDIS: At an exponentially accelerating rate. Yet, incredibly, when one looks across the forward estimates, we have a projection that the costs incurred due to these unauthorised arrivals will fall in 2014-15, will fall again in 2015-16 and will fall yet further in 2016-17. How did we get to this methodology when, at a time when the number of illegal arrivals is growing exponentially, the projection is that they will fall? You have to look at box 9 for the methodology:

The methodology for forecasting the number of IMAs involves projections of arrivals for the second and third forward year, derived using a technical assumption that is based on a medium-term, 10-year rolling average arrival rate.

That is the technical assumption. We do not know the derivation of that technical assumption but we use a 10-year rolling average arrival rate, which means we make
our projections starting in the year 2002-03 when there were no boat arrivals; then in 2003-04, when there was one boat arrival; in 2004-05 when there were no boat arrivals; in 2005-06 when there were eight boat arrivals; in 2006-07, when there were four boat arrivals; in 2007-08, when there were three boat arrivals; in 2008-09, when there were 23 boat arrivals; in 2009-10, when there were 117 boat arrivals; in 2010-11, when there were 89 boat arrivals; in 2011-12, when there were 112 boat arrivals; and in this financial year when, as of today, there have been 333 boat arrivals. So to project forward for the next four years, at a time when boat arrivals are increasing exponentially, you take a 10-year rolling average to deflate the figures back to the way they were during the Howard government.

Senator MARSHALL (Victoria) (15:11): It is often my good fortune to follow Senator Brandis in these contributions and he has not disappointed again today, starting off with a fairytale about a sooty man in a place called Balnibarbi and he talked to us about market gardening. That was the bulk of his speech. This really speaks volumes about this opposition: when presented with the opportunity to ask the Minister for Finance and Deregulation, Senator Wong, a serious question about the budget announced only yesterday, instead they seek to indulge their disingenuous and cynical hysteria about desperate people who are seeking asylum in this country. This opposition is doing a disservice to the people of Australia, who deserve a serious analysis of this budget, not more xenophobic, stop-the-boats propaganda. The people in Victoria whom I represent deserve a lot better.

Before I move to more serious subjects, I pose this question to the opposition. In 2011, the UNHCR report estimated the cost of mandatory detention to be $339 per day per asylum seeker. The same report indicated the cost of community processing to be between $7 and $39 per day per asylum seeker. If the opposition's primary issue of concern with yesterday's budget is the amount spent federally on asylum seekers, as a question from their leader in the Senate would seem to indicate, will the coalition commit to abolishing mandatory detention and implementing a community processing model in the interests of financial responsibility? Is that what they are suggesting to us or was the question on spending on asylum seekers merely designed to leverage political advantage through the continued promotion of a callous attitude to human misery?

As I said earlier, the people of Victoria deserve a lot better than this. When we have had a $60-billion write-down in revenue since the last budget, when there are many issues that deserve serious consideration and analysis by this Senate, again we see the opposition resorting to this callous campaign, trying to exploit the human misery of people who seek asylum in this country. As I said, the Australian people deserve a lot better and people in the electorate of Melbourne deserve a lot better. I am taking a keen interest in the electorate of Melbourne at present. I want to talk about what this budget does for the people of Melbourne and where we as a government have provided an economy to benefit Australians, particularly those in the seat of Melbourne.

In the area of health, during this term of government we have contributed $426 million to VicHealth to create a leading national, comprehensive cancer centre. We have contributed $120 million to build a new principal site in Melbourne for the Australian Red Cross Blood Service. We have spent over $43 million to deliver 365 high-care and 607 low-care residential aged-care places. We have spent $39.8 million to complete the
construction of the Melbourne neuroscience project, a world-class neuroscience research institute. We have spent over $10 million to provide emergency and elective surgery under the National Partnership Agreement on Improving Public Hospital Services. We have spent $7.5 million to establish a Prostate Cancer Research Centre at the Epworth Hospital and provided $7.3 million to the Royal Melbourne Hospital to expand the 23-hour unit to include an additional four overnight surgical beds and reduce waiting times for elective services. As we announced in yesterday's budget, there will be an additional $18.3 million provided over four years to build on the $15 million already provided to support the Youth Cancer Networks Program around Australia. The Peter MacCallum Cancer Centre in Melbourne is leading this project for Victoria with assistance from Melbourne Health and the Royal Children's Hospital.

Let us look at tertiary education in the seat of Melbourne. Funding for the University of Melbourne has grown by 56 per cent from $503.4 million in 2007 to $784.6 million in 2012. The number of Commonwealth supported students at the University of Melbourne has increased from 22,301 in 2007 to 24,307 in 2011, and the number of postgraduate places has increased by 66 per cent. I could go on and on to talk about this government's achievements.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:16): I rise to take note of answers to questions given by Senator Wong. While Senator Marshall, I hope, remains in the chamber could I point out to him that some four out of five questions were directed to Senator Wong today in relation to various aspects of the budget and not just in relation to asylum seekers. Senator Marshall, I hope to tell you that I am offended constantly by your protestation that you hold the high moral ground on refugees and on the asylum seeker debate. The questions to Senator Wong today were about the very fact that there has been another budget blow-out on the cost of your continued failed border protection policies. When the Treasurer announced last night, once again, a $90 billion—

Senator Marshall interjecting—

The DEPUTY PRESIDENT: Order! Order on my right. Senator Kroger, you have the call.

Senator KROGER: Mr Deputy President, the disgraceful interjections we have just heard go to the very core of my opening comment that they profess to stand on the high moral ground on this particular issue. I say to them to repeat that to the families of people who lost their lives at sea when they were fooled by people smugglers to hop on boats at high costs. Tell that to the families and then say that this is a humane policy. It is a continuing failed policy and it is one that has continued to fail. I am astounded that they are not ashamed and Senator Marshall, who is now retreating out of the chamber, is not ashamed. Even during the budget presentation they never ever acknowledged that they are fiscally incompetent and are failing in their policies. They have been consistently fiscally incompetent in the management of Australia. Not once during that budget presentation was there any acknowledgement of any failure, and it is something that the Australian people would like to hear. They would like to know where your policies, from your own advice, have failed and how you are going to fix them—not a 10-year plan, not even a five-year plan, but how you are going to fix what is failing Australians every day.

We hear daily that there is a blow-out of billions and billions of dollars in the cost of dealing with the Gillard government's failed border protection policies. We hear, for
instance, that in April alone there was a record number of arrivals—some 3,369 on 46 boats—and that seems to be on the increase. The one thing that we are assured of is that there is growth, which this budget has underscored—and that growth is growth in the people smugglers' business model. It is the only evidence of any area that has significant growth, and it is burgeoning. They are working on the basis of the old fire sale. They have four streams, if you like, across the seas where they have boats arriving, and we cannot provide sufficient surveillance. (Time expired)

Senator Marshall: I need to go, Senator Sterle.

Senator STERLE (Western Australia) (15:22): You are allowed, Senator Marshall. I wish I could come too, Cobber, but unfortunately I have to stay.

The DEPUTY PRESIDENT: Through the chair, Senator Sterle.

Senator STERLE: Through you, Mr Deputy President, it does us no good as legislators or senators to hear some of the nonsense and rants that come through this chamber. I understand the smoke and mirrors. I understand that senators are tapped on the shoulder in the morning and told that they have to put in a little bit of effort in the Senate chamber at some stage but, goodness me—through you, Mr Deputy President—Senator Kroger, that does you no good. I think you are a decent person most of the time. I have had the privilege of travelling overseas and representing our country with you, but that really was quite poor. I want to say why. Unfortunately, coming from Western Australia, the favourite punching bag in the west is asylum seekers—the poor devils who jump on boats.

Senator Kroger: Yes, because you've got no surveillance along the coast.

Senator STERLE: Senator Kroger, I think you really should listen, because I am desperately trying to save you from digging a bigger hole than you have already dug. You accused Senator Marshall of being disingenuous—that is my word, not yours—regarding the families who lost their lives in the tragic accident off Christmas Island. That was really below par. I was in this chamber and I remember the antics of the Greens when we wanted to change the Immigration Act. We wanted to introduce a change to the Immigration Act that would engage the Malaysia solution—anything to stop the boats. The Greens' performance was ably assisted by the opposition over there. For Senator Kroger to pull out that tragic accident and have a real cheap whack at a government senator on this very important issue does her no justice.

Senator Kroger: Well, it doesn't have to happen. They don't have to lose their lives.

Senator STERLE: Through you, Mr Deputy President, I take the interjection when Senator Kroger said it does not have to happen. No, Senator Kroger, we hope the heck that it never has to happen, but you and the rest of your Senate colleagues on that side of the chamber made absolutely no effort to give us a chance to change the Immigration Act and put something in place. Would it have worked? Would the system have stopped those plying that disgusting trade? Through you, Mr Deputy President: sadly, Senator Kroger, we do not know, because you did not give us the opportunity. You played very cheap politics. You would expect that from some of the Greens, with their crocodile tears, but that was disgraceful. So, through you Mr Deputy President: Senator Kroger, stop digging. The hole is pretty deep now and whatever you say now will do you no credit in this argument.
I want to pick up on Senator Abetz's comments when he yelled at Senator Marshall when he was making his very important contribution. Senator Abetz yelled and said, 'We will stop the boats.' I would love to hear from the rest of the Liberal leadership. I have sent tweets to Senator Cash and co. asking: 'How will you stop the boats?' I do not think that is an unfair question to ask an alternative government. Going back nearly two years ago in this building, in Senate estimates, I asked Admiral Barrie whether it would be safe to turn back the boats. Admiral Barrie was very clear. As a young commander on an Australian Navy vessel, he was in charge of the first boat under the Howard regime that tried to turn a boat around when it was sabotaged. None of us in this building condone that, but that is a fact. That is the reality: they sabotaged the boat and sunk it. Admiral Barrie said, 'It is not a safe thing to do.' That was not a secret little meeting we had in a dark nook or cranny in Parliament House; it was at Senate estimates. It was splashed across most of the newspapers the next day.

We have Mr Abbott and the Liberals saying, 'We're going to turn the boats back,' or we have Senator Abetz, changing their language, saying, 'Now we're going to stop the boats' or 'Now we're going to turn the boats back when it's safe.' I do not think that is an unfair comment, because many times I am asked by Western Australian constituents to ask Mr Abbott or Senator Abetz, or any other senator or Liberal member of parliament: 'How the heck are you going to do it?' It is very easy to get a headline—create all the xenophobic headlines that you want—and start the hate campaigns, but I do not think it is unfair that one of you, whoever it may be, answers. If the Leader of the Opposition, Mr Abbott, cannot do it, send someone out who can. Tell us: how are you going to stop the boats; how are you going to turn the boats around? Mr Abbott went to Indonesia, met with Mr President Yudhoyono and did not even have the guts to raise it with him. (Time expired)

Senator EDWARDS (South Australia) (15:27): I rise to speak on the motion that the Senate take note of answers given by Senator Wong to questions asked by Senators Abetz, Joyce, Cormann and Sinodinos. Senator Sterle, before you leave the chamber, you made mention that it does us no good as legislators to talk in such ways. It also does us no good to refer to the well-used and hackneyed saying 'smoke and mirrors', because that is exactly what your Treasurer, Mr Swan, delivered last night. We sat and listened to it. There are members in this chamber who sat with me and listened to the Treasurer's 'smoke and mirrors', as you refer to it. I specifically refer to Senator Abetz's question to Minister Wong. She lampooned Senator Abetz about the fact that the priority today is boats. It is boats. It is about credibility, it is about believability, it is about honour and it is about capacity in the budget. As we all know, last year they said, 'Come hell or high water, this surplus is going to be delivered.' Not only was it not delivered; it missed the mark by about $20 billion. That is the case for all the budgets that Labor have delivered. Might I say, you have been in government over the last 13 years, and in the last 12 years you have never delivered a surplus. In fact, I might make the point that the shadow minister for immigration, Scott Morrison, has made that Labor's boat budget blow-out has now eclipsed $10 billion since they have come to office, since they abolished those
successful border protection measures of the Howard government. Ridiculously, last night the Treasurer stated that, while next year's planned budget is $3 billion, it represents a new record. These costs are reportedly based on an estimate of just 13,200 arrivals, which represents a drop of some 37 per cent on the arrivals to date this year—and we still have six weeks to go. So they are budgeting for fewer people to arrive, when in fact what is really happening out there is that there are more people arriving.

Once again I go back to: what do you believe? What is your belief? What do you honourably expect from a Treasurer and a government after six years in power, and what is their capacity? Senator Abetz said that, with all of this money that has been spent, we could have built five world-class teaching hospitals. I make that point again: five. In fact, in South Australia it could have gone a long way towards fixing up Labor's ridiculous expense of $2.2 billion on their desalination plant and now what they are saddling South Australian taxpayers with: a $2½ billion hospital, when the increased capacity needed in the forward years could have been done at the old site.

Once again it is just reckless spending: 'An extra $5 billion here, an extra $5 billion there—in fact, we'll make a prediction about next year's budget because we really aren't accountable. We haven't been accountable for the last year.' Five hundred times the Treasurer promised a surplus. Senator Wong in this chamber today said that there was some degree of accountability. There is no accountability, and it is a shame for this country. *(Time expired)*

Question agreed to.

**Malaysia**

Senator XENOPHON (South Australia) (15:32): I move:

That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Xenophon today relating to the recent election in Malaysia.

I want to take note of the extraordinarily bizarre and baffling answers given by the Minister for Foreign Affairs, Senator Bob Carr, on the Malaysian elections and what happened just 10 days ago in Malaysia. I need to say at the outset that I actually like Senator Carr. I think he is warm and engaging. He is a smart man. But his answers left me completely cold.

Let us put this in perspective. Ten days ago, the 13th Malaysian general elections were held. Those elections were a watershed in Malaysia's history. The ruling coalition received 49 per cent of the vote according to the so-called official election results. The opposition parties received 50 per cent of the vote according to the official election results, yet the opposition only got 40 per cent of the seats, due to a gross gerrymander and, in particular, massive electoral fraud, as described by Bersih, the Coalition for Clean and Fair Elections in Malaysia. The opposition leader, Anwar Ibrahim, referred to these elections as 'the worst electoral fraud' in Malaysia's history.

Yet, when I asked Senator Carr what Australia's response would be about this, his responses were glib and cynical, to say the least. Senator Carr is saying that we cannot be the court of disputed returns or the election commission for Malaysia. That is self-evident. There is no question of that, and to suggest that we would be would be ridiculous. But the fact is that Senator Carr has washed his hands clean of this result in the Malaysian elections despite the fact that, last November, opposition leader Anwar Ibrahim, in a personal handwritten note that he wrote in Kuala Lumpur and handed to me to give to Senator Carr, pleaded with
Australia to take an interest in Malaysia's elections to make sure that the election result was not stolen from the people of Malaysia. Yet Senator Carr back then was equally dismissive. To the ABC's Sabra Lane, in an interview on 21 November last year, he retorted: 'What do you expect us to do? Do you want us to send amphibious vehicles to East Malaysia?' Or he said words to that effect. That is completely diverting us from the real issues here.

The fact is that Australia does have a proud record in the region as a beacon of democracy to speak out where there are human rights abuses, where there are abuses of democracy. We have played a key role in the Commonwealth Secretariat in respect of Fiji, about their abuses of democracy, to raise concerns there. We have raised matters in international fora in respect of Myanmar and played a constructive role there for democracy.

But, for some reason, Malaysia seems to be excised from the foreign minister's conscience and the conscience of this government when it comes to the results that occurred there. The foreign minister had a fatal flaw in his answers to those questions, and the record will show it when the Hansard of this is published. He said of those results, 'We should not interfere in the will of the Malaysian people,' or words to that effect. The fact is that the will of the Malaysian people has been completely thwarted by a corrupt government in Malaysia, by a corrupt election commission, where the results were not free and fair. Up to 10 per cent of Malaysian voters could be so-called phantom voters, not Malaysian citizens—either those who come in from another country who do not have the right to vote but have been given the right to vote or, alternatively, dead voters, people who have died but are still on the electoral rolls. The system in Malaysia is so corrupt that under their constitution, due to changes moved by Barisan Nasional, the ruling coalition that has been in power for some 57 years, they do not have the right to challenge dodgy electoral rolls. That is one of the changes that has occurred there in the constitution since 1999. With this massive fraud and electoral irregularities, the Australian government sits idly by.

Last night, opposition leader Anwar Ibrahim spoke to me. He asked me a question. He asked—and I want to get the exact words so there is no misunderstanding about this:

How can Australia be blind to and condone such blatant fraud and massive rigging of the elections?

How can we? Australia has a role to speak out about this at the Commonwealth Secretariat and at international forums, including the Bali Democracy Forum. If we do not, we will be complicit in what is happening in a country which is one of our closest friends. (Time expired)

Question agreed to.

NOTICES

Presentation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:38): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Offshore Petroleum and Greenhouse Gas Storage Amendment (Compliance Measures No.2) Bill 2013, allowing it to be considered during this period of sittings.

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

The statement read as follows—

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

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (COMPLIANCE MEASURES No. 2) BILL 2013

Purpose of the Bill

The Bill will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (OPGGSA) to strengthen the offshore petroleum regulatory regime. It is focussed on important compliance, safety, integrity and environmental management objectives, including implementation of measures associated with the Government Response to the Report of the Montara Commission of Inquiry. In particular, the Bill will strengthen the application of the "polluter pays" principle in the regime, by requiring offshore petroleum titleholders, in the event of an escape of petroleum resulting from the titleholders' activities, to stop, control and clean-up the escaped petroleum, and remediate damage to the environment. In addition, the amendments implement a third party cost-recovery mechanism in the event the titleholder fails to comply with its statutory duty. Further amendments will ensure titleholders must provide evidence of sufficient financial assurance to cover expenses and liabilities arising from offshore petroleum activities, to the satisfaction of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), prior to commencing those activities.

Among other measures, the Bill also includes amendments to provide the ability for NOPSEMA inspectors to issue environmental prohibition notices and improvement notices to offshore petroleum titleholders to remove threats to the environment arising from petroleum operations.

Reasons for Urgency

In the context of recent serious safety and environmental incidents in the offshore petroleum industry, including the 2009 uncontrolled release of hydrocarbons from the Montara Wellhead Platform in the Timor Sea, the 2010 Macondo incident in the Gulf of Mexico, and the 2012 fatalities at the Stena Clyde rig in Bass Strait, it is vital that necessary improvements to strengthen the offshore petroleum regulatory regime are made as soon possible. The amendments in this Bill implement the lessons learned from these incidents, including through measures to implement the Australian Government's Response to the Report of the Montara Commission of Inquiry, in order to improve protection for human health and safety and the marine environment. If the Bill is not considered in one Parliamentary sitting period, these necessary amendments to strengthen the regulatory regime and improve protections for human health and safety and the marine environment, will be delayed.

The measure to clarify the application of the "polluter pays" principle in the OPGGSA will ensure, in the event of an escape of petroleum during offshore petroleum operations, that the polluter will be responsible for paying associated costs of clean-up, environmental remediation and monitoring. Under current arrangements in the absence of a statutory obligation and cost-recovery mechanism, which will continue if the Bill is not dealt with in this sitting period, in the event of an oil spill there is a risk that the Government would have to meet any shortfall if the polluter is unwilling or unable to pay those costs, which could be quite significant.

In addition, the amendments to enable NOPSEMA inspectors to issue environmental prohibition notices and improvements notices to titleholders will ensure there is an appropriate administrative process in place to require timely action to remove threats to the environment from offshore petroleum activities. Similar notices have been used successfully to require the removal of threats to occupational health and safety for a number of years. If the Bill is not dealt with in these sittings, the availability of this important regulatory tool for NOPSEMA will be delayed.

Presentation

Senator JACinta Collins
(Victoria—Manager of Government Business in the Senate and Parliamentary
Secretary for School Education and Workplace Relations) (15:38): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to various bills relating to the National Disability Insurance Scheme, as set out in the list circulated in the chamber, allowing them to be considered during this period of sittings.

The list read as follows—
National Disability Insurance Scheme Legislation Amendment Bill 2013
DisabilityCare Australia Fund Bill 2013
Medicare Levy Amendment (DisabilityCare Australia) Bill 2013
Fringe Benefits Tax Amendment (DisabilityCare Australia) Bill 2013
Income Tax Rates Amendment (DisabilityCare Australia) Bill 2013
Superannuation (Excess Concessional Contributions Tax) Amendment (DisabilityCare Australia) Bill 2013
Superannuation (Excess Non-concessional Contributions Tax) Amendment (DisabilityCare Australia) Bill 2013
Superannuation (Excess Untaxed Roll-over Amounts Tax) Amendment (DisabilityCare Australia) Bill 2013
Income Tax (TFN Withholding Tax (ESS)) Amendment (DisabilityCare Australia) Bill 2013
Income Tax (First Home Saver Accounts Misuse Tax) Amendment (DisabilityCare Australia) Bill 2013
Family Trust Distribution Tax (Primary Liability) Amendment (DisabilityCare Australia) Bill 2013
Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 1) Amendment (DisabilityCare Australia) Bill 2013
Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 2) Amendment (DisabilityCare Australia) Bill 2013

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

Leave granted.

The statements read as follows—

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 WINTER SITTINGS
National Disability Insurance Scheme Legislation Amendment Bill

Purpose of the Bill

This bill makes minor amendments to the new legislation for the National Disability Insurance Scheme to clarify the policy intention in relevant provisions and to address minor anomalies and technical errors.

Reasons for Urgency

Passage in the 2013 Winter sittings is necessary, ready for implementation of the first stage of the National Disability Insurance Scheme from July 2013.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2013 WINTER SITTINGS
DisabilityCare Australia Fund Bill

Purpose of the Bill

The purpose of this bill is to establish the DisabilityCare Australia Fund (the Fund). The Fund is to be established for holding and investing the additional Medicare levy proceeds for the purpose of reimbursing the Commonwealth and States for expenditure under the National Disability Insurance Scheme (NDIS). The Fund will be managed by the Future Fund Board of Guardians (the Board). The Board will only be able to invest in financial assets in line with the arrangements for the Nation-building Funds.

The bill will also provide the opportunity to include interim matters to enable the NDIS to commence from 1 July 2013, through creation of a transitional special account to manage State Government funds until the Board overseeing the National Disability Insurance Scheme Launch Transition Agency is established. The transitional special account should also be credited with the Commonwealth's contribution for 2013-14 which
will be appropriated to the Department of Families, Housing, Community Services and Indigenous Affairs. This would provide assurance to State Governments that the Commonwealth's contribution will only be spent on the NDIS.

Reasons for Urgency

This bill requires passage in the 2013 Winter sitting to provide certainty to the disability sector in Australia that the NDIS will be funded in a transparent manner and that those funds allocated will be used solely for the purpose of funding the NDIS.

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

Medicare Levy Amendment (DisabilityCare Australia) Bill

Fringe Benefits Tax Amendment (DisabilityCare Australia) Bill

Income Tax Rates Amendment (DisabilityCare Australia) Bill

Superannuation (Excess Concessional Contributions Tax) Amendment (DisabilityCare Australia) Bill

Superannuation (Excess Non-concessional Contributions Tax) Amendment (DisabilityCare Australia) Bill

Superannuation (Excess Untaxed Roll-over Amounts Tax) Amendment (DisabilityCare Australia) Bill

Income Tax (TFN Withholding Tax (ESS)) Amendment (DisabilityCare Australia) Bill

Income Tax (First Home Saver Accounts Misuse Tax) Amendment (DisabilityCare Australia) Bill

Family Trust Distribution Tax (Primary Liability) Amendment (DisabilityCare Australia) Bill

Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 1) Amendment (DisabilityCare Australia) Bill

Taxation (Trustee Beneficiary Non-disclosure Tax) (No. 2) Amendment (DisabilityCare Australia) Bill

Purpose of the Bills

These bills will:

- increase the rate of the Medicare levy from 1.5 per cent to 2.0 per cent; and
- make consequential changes to other tax rates to reflect changes to the Medicare levy.

Reasons for Urgency

The measure requires prompt passage in order to provide security in relation to funding of the National Disability Insurance Scheme and to allow the employers, taxpayers and the Australian Taxation Office sufficient time to make necessary system changes in preparation for an increase in the Medicare levy rate.

Presentation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:39): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Aviation Transport Security Amendment (Inbound Cargo Security Enhancement) Bill 2013, allowing it to be considered during this period of sittings.

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

Leave granted.

The statement read as follows—

STATEMENT OF REASONS FOR PASSAGE IN THE 2013 WINTER SITTINGS

Aviation Transport Security Amendment (Inbound Cargo Security Enhancement) Bill 2013

Purpose of the Bill

The bill amends the Aviation Transport Security Act 2004 (the Act) to allow the Minister responsible for the Act to prohibit the carriage of certain cargo into Australian territory on an aircraft through the use of a disallowable instrument.

Reasons for Urgency

Threats to aviation security present an ongoing risk to planes and passengers.
While the current mechanisms such as Special Security Declarations provide an immediate response capacity to specific threats involving the air cargo system, the limited period of validity (six months) means that they are not an appropriate mitigation to threats which remain in place beyond the immediate term.

Amending Transport Security Programs provides a longer term effect, but the mechanism is cumbersome in nature and not suited to a timely or consistent response in the interests of national security. It requires significant resources and time to accomplish, and creates a significant administrative burden for the Government and industry.

The bill will provide the Government with a more timely, effective and transparent mechanism to respond to aviation security threats involving inbound air cargo while reducing the administrative burden on industry and government. Where a threat must be addressed in this manner, it will enable decision-making to be taken at a ministerial level and allow for oversight by the Parliament. In cases where potentially sensitive security and trade decisions must be made, this is a more appropriate and transparent decision-making process.

In an enduring risk environment where both industry and government need to do more with less, the introduction of a more timely, effective and transparent mechanism and the reduction of administrative burdens are reasons why this bill is one which should be prioritised by this Parliament.

**Presentation**

**Senator JACINTA COLLINS**

(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:44): I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2012, allowing it to be considered during this period of sittings.

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

Leave granted.

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

Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2012

**Purpose of the Bill**

The Bill is the fourth and final tranche of legislation which implements the remainder of the MySuper and governance measures, arising from the Government's response to recommendations of the Cooper Review.

**Reasons for Urgency**

The Bill introduces or amends several requirements which commence on 1 July 2013. A number of key regulations associated with these provisions will need to be made before that date if superannuation funds are to meet their obligations under the legislation. The Bill must have Royal Assent before these regulations can be made. As such, regulations would need to be considered at the 27 June 2013 Executive Council meeting at the latest, but preferably at the 13 June 2013 meeting to allow industry time to implement the new requirements.

Implications of the Bill as amended not being legislated by 1 July 2013 include:

- APRA not being able to authorise any MySuper product with a cap on administration fees;
- funds being required to publish a product dashboard from 1 July 2013 which contains specific requirements that will be extremely difficult for industry to comply with and could be potentially misleading for consumers;
- no requirement to seek leave of the Court before members can take action against directors;
- funds being able to continue to use tied service providers; and
other concerns raised by the Cooper Review, PJC and industry not being addressed.

Senator Di Natale: To move:
That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 June 2013:

The practice of sports science in Australia with regard to:
(a) the current scope of practice, accreditation and regulation arrangements for the profession;
(b) the role of boards and management in the oversight of sports scientists inside sporting organisations;
(c) the duty of care of sports scientists to athletes, and the ethical obligations of sports scientists in relation to protecting and promoting the spirit of sport;
(d) avenues for reform or enhanced regulation of the profession; and
(e) any other related matter.

Senator Xenophon: To move:
That the Export Market Development Grants Amendment Bill 2013 be referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 17 June 2013.

Senators Mason and Smith: To move:
That the Senate—
(a) notes with deep regret the passing of The Rt. Hon. The Baroness Thatcher, LG, OM, PC, FRS, one of the most significant and influential British Prime Ministers, and the first woman to become the Prime Minister of Great Britain and Northern Ireland; and
(b) conveys its condolences to the people of Great Britain.

Senator Ludlam: To move:
That the Senate—
(a) notes that:
(i) in 1964 the Commonwealth Government transferred the Point Peron area to the Western Australian State Government subject to agreement that its future use was restricted to a reserve for public recreation and parklands, reiterating in 1968 that the land must not be used for private industrial, commercial or residential development,
(ii) the Western Australian Environmental Protection Authority gave conditional approval to the Mangles Bay Marina project in Cape Peron on 29 April 2013 adjacent to a protected freshwater lake containing one of the only surviving thrombolite communities in Western Australia, and
(iii) 8 000 signatures opposing the Point Peron Marina development were submitted to the Western Australian Parliament on Tuesday, 14 May 2013; and
(b) calls on the Government to insist that the Western Australian Government honour its 1964 commitment regarding the use of the land and reject development of this pristine area.

Senator Milne: To move:
That the Senate notes that not a single Australian economist or industry group has publicly supported the Coalition's Direct Action Plan.

Senator Madigan: To move:
That the following bill be introduced: A Bill for an Act to ensure that imported goods from a country that has a free trade agreement with Australia are modified to meet Australian Standards before they are sold in Australia. Fair Trade (Compliance of Imported Goods with Australian Standards) Bill 2013.

Senator Madigan: To move:
That the following bill be introduced: A Bill for an Act to amend the Health Insurance Act 1973, and for related purposes. Health Insurance Amendment (Medicare Funding for Post-Operative Care for Illegal Organ Transplants) Bill 2013.

Senator Madigan: To move:
That the Senate—
(a) notes that:
(i) five United Nations agencies: the Office of the High Commissioner for Human Rights, the United Nations Population Fund (UNFPA), the United Nations Children's Fund, the United Nations Entity for Gender Equality and the
Empowerment of Women and the World Health Organization, have issued a combined report calling for urgent steps to be taken to address gender-biased sex selection, including:

(A) the collection of more reliable data on the extent of the problem,

(b) guidelines on the use of technology for health professionals,

(c) supportive measures for girls and women, and

(d) other legal and awareness-raising actions,

(ii) in its 2010 report the UNFPA states that, according to the 2000 United States Census, immigrants to the United States of America from China, India and the Republic of Korea had a sex ratio at birth almost as skewed as in their countries of origin, demonstrating that the practice continued in some ethnic groups after migration to western nations, and

(iii) at the UN Conference on Population and Development (ICPD) (1994) in Cairo and at the 4th World Congress on Women (1995) in Beijing, Australia promised 'to enact and enforce legislation protecting girls from all forms of violence … including prenatal sex selection';

(b) condemns the practice of gender-biased sex selection in abortion or infanticide whether in Australia or overseas; and

(c) calls on the Government to support the proposals of the five UN agencies and uphold its promise to the ICPD 1994 and the 4th World Congress on Women.

Senator Di Natale: To move:

That, in order to preserve the integrity of the sporting experience and protect Australian children, the Senate notes the need for law reform, including measures such as:

(a) banning the broadcast advertising of live gambling odds for sports betting;

(b) banning the advertising of sports betting services on television and radio during children's viewing hours, before 9 pm; and

(c) banning the paid promotion of sports betting services by sporting commentators and their guests during sports broadcasts.

Senator Hanson-Young: To move:

That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to recognise same-sex marriages solemnised in a foreign country, and for related purposes. Marriage Act Amendment (Recognition of Foreign Marriages for Same-Sex Couples) Bill 2013.

Senator Milne: To move:

That the following bill be introduced: A Bill for an Act to amend the law relating to competition and consumers and food labelling, and for related purposes. Competition and Consumer Amendment (Australian Country of Origin Food Labelling) Bill 2013.

Senator Siewert: To move:

That the Senate—

(a) notes the decision of Woodside Energy Ltd and its joint venture partners to process Browse gas offshore rather than at James Price Point, in the Kimberley; and

(b) calls on the Western Australian Government to end its efforts to compulsorily acquire the land at James Price Point from the Traditional Owners for the purpose of industrialising the Kimberley and to withdraw its application for a strategic assessment under the Environment Protection and Biodiversity Conservation Act 1999 of the James Price Point Browse gas processing site.

Senator Wright: To move:

That the Senate—

(a) notes that:

(i) 12 May to 18 May 2013 is Schizophrenia Awareness Week,

(ii) people affected by serious mental illness face critical challenges to achieving and maintaining the same physical health as other people in the community,

(iii) such people are more vulnerable to coronary heart disease, diabetes, stroke and respiratory disease than those without serious mental illness, and

(iv) their life expectancy is up to 25 years less than that of the general population; and
(b) calls on all governments in Australia to address the poor physical health status of people with serious mental illness as a priority.

Senator Whish-Wilson: To move:
That the Senate—
(a) notes:
(i) the collapse of the Rana Plaza building in Bangladesh that killed 1,127 garment workers, many of whom were sewing clothes for international brands in unsafe conditions,
(ii) the significant protests and riots by garment workers in Bangladesh in response to the building collapse, and
(iii) that in response, some international clothing brands have signalled their intention to sign an accord committing to improve fire and building standards for their workers in Bangladesh; and
(b) calls on:
(i) Australian companies to ensure the safety of their workers in developing countries through improving standards and conditions and providing for independent inspections of factories,
(ii) Australian clothing companies to join the accord committing to improve fire and building standards for workers in Bangladesh, and
(iii) the Australian clothing industry to consider moves towards supply chain accreditation for products from developing countries.

Senator Hanson-Young: To move:
That the Senate—
(a) notes:
(i) that 17 May is International Day Against Homophobia, Biphobia and Transphobia on which individuals and organisations are encouraged to take a stand against sex and gender-based prejudice in the community, and
(ii) the physical and psychological harm caused by harassment and discrimination, including much higher rates of anxiety, depression, self-harm and suicide in the lesbian, gay, bisexual, transgender and intersex community compared with the general population; and
(b) calls on senators and other members of Parliament individually to commit to the 'No to Homophobia' campaign pledge to always stand up against homophobia, biophobia and transphobia and to promote this campaign within the Australian community.

Senators McKenzie and Colbeck: To move:
That the Senate—
(a) notes its support for the fruit growers and workers in the local food processing industry;
b) recognises the impact and toll that the increased cost of doing business has on local food processors;
(c) acknowledges the significance of iconic local food processors as key employers and contributors to regional communities; and
(d) supports the 'Toss a tin in your trolley' campaign to encourage Australians to throw a tin of local canned produce into their shopping trolley and urges supermarkets to promote this initiative.

Senator Waters: To move:
That the Senate—
(a) notes:
(i) the World Heritage Committee's draft decision on the Great Barrier Reef states that to avoid the reef being added to the World Heritage in Danger list, Australia must turn around the 'limited progress' to date, and take 'urgent and decisive' action on its earlier recommendations to prevent new ports in pristine areas, and reject damaging port expansions,
(ii) the World Heritage Committee specifically identifies that the Fitzroy Delta, including Port Alma and Balaclava Island, should not be developed,
(iii) that Queensland's draft Ports Strategy considers Port Alma and Balaclava Island part of the Gladstone Port available for development, and
(iv) that Glencore Xstrata has just withdrawn its plans to develop a major coal port on pristine Balaclava Island; and
(b) calls on the Government to:
(i) implement the World Heritage Committee’s recommendations regarding ports immediately so that Australia does not become the only developed country with a site on the World Heritage in Danger list, and

(ii) immediately rule out any industrial development in the Fitzroy Delta and reflect this in our national environment laws.

Senator Collins: To move:
That standing order 110 be suspended to enable the third reading of a constitution alteration bill relating to local government to be passed without a roll call.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (15:41): by leave—I move:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the Foreign Investment Review Board national interest test be extended to 24 June 2013.

Question agreed to.

BUSINESS

Leave of Absence

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (15:41): by leave—I move:
That leave of absence be granted to Senator Boyce for 15 May 2013 for personal reasons.

Question agreed to.

NOTICES

Postponement

The following items of business were postponed:
Business of the Senate notice of motion no. 3 standing in the name of the Chair of the Rural and Regional Affairs and Transport References Committee (Senator Heffernan) for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 16 May 2013.

General business notice of motion no. 1233 standing in the name of Senator Rhiannon for today, proposing the introduction of the Overseas Aid (Millennium Development Goals) Bill 2013, postponed till 17 June 2013.

COMMITTEES

Education, Employment and Workplace Relations References Committee

Reference

Senator Wright (South Australia) (15:42): I seek leave to amend business of the Senate notice of motion No. 2 standing in my name for today before seeking to have that motion taken as a formal motion.

Leave granted.

Senator Wright: I move the motion as amended:
That the following matter be referred to the Education, Employment and Workplace Relations References Committee for inquiry and report by 27 June 2013:
(a) whether the evidence suggests that NAPLAN is achieving its stated objectives;
(b) unintended consequences of NAPLAN’s introduction;
(c) NAPLAN’s impact on teaching and student learning practices;
(d) the impact on teaching and student learning practices of publishing NAPLAN test results on the MySchool website;
(e) potential improvements to the program, to improve student learning and assessment;
(f) international best practice for standardised testing, and international case studies about the introduction of standardised testing; and
(g) other relevant matters.

CHAMBER
Question agreed to.

COMMITTEES
Allocation of Departments and Agencies
Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:43): I move:
That paragraph (2) of the order of the Senate agreed to on 29 September 2010 and amended on 8 February 2012, relating to the allocation of departments and agencies to legislative and general purpose standing committees, be amended as follows:
Under Environment and Communications, omit portfolios, substitute:
Broadband, Communications and the Digital Economy
Climate Change
Sustainability, Environment, Water, Population and Communities
Under Rural and Regional Affairs and Transport, omit portfolios, substitute:
Agriculture, Fisheries and Forestry
Question agreed to.

BUSINESS
Consideration of Legislation
Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:43): I seek leave to amend government business notice of motion No. 2 before seeking to have that motion taken as a formal motion.
Leave granted.

Senator JACINTA COLLINS: I move the motion as amended:
That—
(1) To ensure appropriate consideration of time critical bills by Senate committees, the provisions of all bills introduced into the House of Representatives after 16 May 2013 and up to and including 6 June 2013 that contain substantive provisions commencing on or before 1 July 2013 (together with the provisions of any related bill), are referred to committees for inquiry and report by 17 June 2013.
(2) The committee to which each bill is referred shall be determined in accordance with the order of 29 September 2010, as amended on 8 February 2012 and 15 May 2013, allocating departments and agencies to standing committees.
(3) A committee to which a bill has been referred may determine, by unanimous decision, that there are no substantive matters that require examination and report that fact to the Senate.
(4) This order does not apply in relation to bills which contain:
(a) no provisions other than provisions appropriating revenue or moneys (appropriation bills); and
(b) commencement clauses providing only for the legislation to commence on Royal Assent.
Question agreed to.

COMMITTEES
Environment and Communications Legislation Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Cameron, I move:
That the Environment and Communications Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 May 2013, from 1 pm, to take evidence for the committee’s inquiry into the Broadcasting Services Amendment (Material of Local Significance) Bill 2013 and the delivery of news coverage in rural and regional areas by the Australian Broadcasting Corporation.
Question agreed to.

Environment and Communications Legislation Committee
Reporting Date
Senator McEWEN (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Cameron, I move:
That the time for the presentation of the report of the Environment and Communications Legislation Committee on the Environment Protection and Biodiversity Conservation Amendment (Great Barrier Reef) Bill 2013 be extended to 13 June 2013.

Question agreed to.

**Community Affairs References Committee**

**Meeting**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Siewert, I move:

That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 15 May 2013, from 5 pm, to take evidence for the committee’s inquiry into the sterilisation of people with disabilities.

Question agreed to.

**Foreign Affairs, Defence and Trade References Committee**

**Meeting**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Eggleston, I move:

That the time for the presentation of reports of the Foreign Affairs, Defence and Trade References Committee be extended as follows:  
(a) Australia and the countries of the Indian ocean rim—to 17 June 2013; and  
(b) victims of sexual and other abuse in Defence—to 27 June 2013.

Question agreed to.

**Foreign Affairs, Defence and Trade Joint Committee**

**Meeting**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Furner, I move:

That the Joint Standing Committee on Foreign Affairs, Defence and Trade be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 May 2013, from 11 am, to take evidence for the committee’s inquiry into the review of Defence annual report 2011-12.

Question agreed to.

**Gambling Reform Committee**

**Reporting Date**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (15:44): At the request of Senator Pratt, I move:

That the time for the presentation of the report of the Joint Select Committee on Gambling Reform on its inquiry into the advertising and promotion of gambling services in sport be extended to 28 June 2013.

Question agreed to.

**Environment and Communications References Committee**

**Reporting Date**

**Senator KROGER** (Victoria—Chief Opposition Whip in the Senate) (15:44): At the request of Senator Birmingham, I move:

That the time for the presentation of the report of the Environment and Communications References Committee on the protection of Australia's threatened species and ecological communities be extended to 20 June 2013.

Question agreed to.

**Rural and Regional Affairs and Transport References Committee**

**Reporting Date**

**Senator KROGER** (Victoria—Chief Opposition Whip in the Senate) (15:44): At the request of Senator Heffernan, I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on the Australian citrus industry be extended to 31 July 2013.

Question agreed to.
BUSINESS

Withdrawal

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:45): I move:
That general business notices of motions Nos 1129, 1230 and 1231 be discharged from the Notice Paper.
Question agreed to.

BILLS

Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013

First Reading

Senator DI NATALE (Victoria) (15:45): I move:
That the following bill be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992, and for related purposes.
Question agreed to.

Senator DI NATALE: 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 DI NATALE (Victoria) (15:46): I move:
That this bill be now read a second time.
I seek leave to table the explanatory memorandum and to have the second reading speech incorporated in Hansard.
Leave granted.

The speech read as follows—

BROADCASTING SERVICES AMENDMENT (ADVERTISING FOR SPORTS BETTING) BILL 2013

The Broadcasting Services Amendment (Advertising for Sports Betting) Bill 2013 is a timely and necessary intervention that is aimed at limiting harm to children and preserving the place of sport in Australian life.

 Australians love sport. Sport is indeed at the centre of our culture. Organised sport is one of the primary ways we entertain ourselves, spend time with family and build community. It is an inherently healthy pursuit and one easily shared with friends and family of all ages. From playing backyard cricket to packing the stands of the MCG for the AFL Grand Final, many of us are passionate about our sport and make it part of our daily lives.

 We also make sport a priority in public policy. The Commonwealth spends over $170 million each year on elite sports through the Australian Institute of Sport, and Australia is famous around the world as a sporting nation. Despite being a small country we are consistently near the top of the Olympic medal tally.

 Because Australians love sport so passionately, it is big business. Our major sporting codes such as Australian Rules Football and Rugby League have billion-dollar television deals. Huge sums are involved in the sponsorship of these events. In recent times, the involvement of gambling companies in sports sponsorship has increased. It is now virtually impossible to watch major sports without being subjected to multiple exhortations to bet on the outcome, either during the advertising breaks or, increasingly, by commentators during the event itself.

 The statistics reinforce the size and scope of the problem. Online betting, of which sports betting is a major component, has risen from $2.4 billion in 2007 to almost $10 billion in 2012. It is estimated that billions more are wagered by Australians on unregulated, offshore web sites.

 Having a bet is also part of Australian culture and betting on sport is an enjoyable activity for many people. For some, who become problem gamblers, it can be incredibly destructive. Because of this potential for harm, there are serious questions to be answered about just how much Australians want gambling to be part of sport. Somewhere, the line must to be drawn between a benign, family-friendly activity and one that is inextricably linked to gambling, such as horse racing.
In recent years this line has been crossed more and more frequently. It has become increasingly difficult, if not impossible, to avoid repeated exposure to betting advertisements and gambling odds when watching any major sporting event. The number of sports betting ads on free-to-air TV quadrupled in the last 2 years. In 2012 there were 528 individual ads, collectively broadcast more than 20,000 times.

There has also been a blurring of the line between commentary and advertising when it comes to gambling. The recent inclusion of a prominent bookmaker as part of the Rugby League coverage has caused concern for many.

This growing nexus between sports and gambling companies has not gone unnoticed by the Australian public. The saturation advertising has come to irritate many people who love sport and worry about the corrosive impact it might have on the game. In particular, they are concerned about the impact on children.

A recent inquiry by the Joint Select Committee on Gambling Reform has heard disturbing evidence into the problem. Academic researchers have recounted how children are now able to name an average of two or three sports betting firms simply by virtue of watching sport. Anecdotally, young children are discussing the odds of their favourite teams winning a match.

Given the strictly adult nature of the product, many people are concerned about this overexposure to children and the way in which it may be normalising the connection between gambling and sport for them.

The potential for harm is obvious, and problem gambling already costs individuals and the community dearly. Where there are obvious harms, there is a need to regulate. How best to do so is a difficult question when the activity involved is legal and, for many, both safe and enjoyable. A ban on sports betting would not only be a drastic measure, but it would be ineffective. Given the underlying demand for the product, Australian customers would certainly continue betting offshore. This situation would not be preferable to a regulated market inside Australia.

On the other hand, an unregulated market is also not appropriate where the product has such a high potential for harm. It is true that this is a problem the industry could solve itself without government intervention. In fact, in 2011 the Government gave the industry an ultimatum with regard to the promotion of live odds, threatening regulation if the industry did not do something to curb the practice. The response by television and radio broadcasters has been a change to their codes of conduct that place some limitations on the promotion of odds. These codes still allow promotion during scheduled breaks, and under this code the current situation where a bookmaker appears during editorial segments discussing gambling would not be prohibited.

The problem has escalated to the point where there is real potential for harm to children, setting them up as a new generation of problem gamblers. Industry self-regulation has failed to properly limit this harm. Under these circumstances, and given the level of disquiet in the community, it is appropriate and timely for Parliament to step in and regulate this area.

This bill takes some modest steps to limit the harms of gambling advertising. That children should be protected from over-exposure to gambling advertisements is incontestable. The bill puts restrictions on commercial radio and television broadcast licensees that limit their ability to broadcast advertisements for gambling services in a way likely to be consumed by children.

Firstly, the bill prevents the advertising or discussion of live odds at any time. Children and adults will no longer be exposed to a constant barrage of changing numbers as the game progresses, or the most intrusive inducements to bet in the lead up to the game.

Secondly, the bill prevents any advertisements for gambling services before 9pm at night. Although the broadcasters comply with a code that prevents the advertising of these services during children’s viewing hours, they have left a loophole for sports broadcasts. Sports programs are among the most popular shows viewed by children. We would not tolerate the advertising of harmful products like gambling during Saturday morning cartoons. Yet for a sporting event being broadcast at the same time, with as many child viewers, there is no restriction. This bill closes that loophole once and for all.
Thirdly, the bill puts an end to so-called "cash for comment", perhaps the most intrusive way that gambling has intruded into team sport. Under these provisions of the bill, licensees will not be allowed to accept payment for the promotion of gambling services by commentators on a sports broadcast or their guests. It would prevent such situations we have seen developing recently where bookmakers join the commentary team, or where commentators slip references to odds or gambling services into their remarks about the game.

The time has come for the Parliament to take action on this issue. These restrictions are not onerous, are simple and welcome by the public.

I therefore commend this bill to the Senate.

Senator DI NATALE: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOTIONS

Nurses

Senator LUDLAM (Western Australia) (15:47): At the request of Senator Hanson-Young, I seek leave to amend general business notice of No. 1238.

Leave granted.

Senator LUDLAM: I move the motion as amended:

That the Senate—

(a) notes:

(i) the long-term forecasts provided by Health Workforce Australia that show there will be a national shortage of 109,000 nurses and midwives by 2025, and

(ii) that South Australia is already facing a shortage in these industries due to a lack of succession planning, with only 50 per cent of South Australian nurses who graduated in 2012 employed in the state's public health system; and

(b) in light of current and impending pressures, urges the Federal Government and the Labor Weatherill Government to work with the Australian Nursing and Midwifery Federation (South Australian Branch) to increase secure graduate jobs for nurses and midwives and provide specialist skills development within those industries to address the worsening attrition rates.

Question agreed to.

World Heritage Areas

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:47): I move:

That the Senate—

(a) notes the April 2013 letter from the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke) to the signatories in the Tasmanian forestry talks affirming that he would not allow logging within the Tasmanian Wilderness World Heritage Area or other areas listed in the Environment Protection and Biodiversity Conservation Act 1999; and

(b) upholds the principle that areas listed as World Heritage should never be logged.

Question agreed to.

Live Animal Exports

Senator RHIANNON (New South Wales) (15:48): I move:

That the Senate—

(a) notes that:

(i) in November 2011, the Federal Labor Conference voted against phasing out the live export trade but agreed to establish an independent Office of Animal Welfare,

(ii) in November 2012 the Labor Caucus voted to have the Caucus Live Animal Export Working Group develop a model for an Office of Animal Welfare to be presented to Caucus by the end of February 2013, and

(iii) in February 2012, the Minister for Agriculture, Fisheries and Forestry (Senator Ludwig) failed to show clear support for the establishment of an office under questioning from the Australian Greens in Senate estimates, stating 'we will continue to look at the issue'; and

(b) calls on the Minister for Agriculture, Fisheries and Forestry to immediately report to Parliament on the progress to establish the Office of Animal Welfare and commit to legislation establishing the office before the 14 September 2013 election.
The DEPUTY PRESIDENT: The question is that notice of motion No. 1178 moved by Senator Rhiannon be agreed to.

The Senate divided. [15:53]

(The Deputy President—Senator Parry)

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

AYES
Di Natale, R  
Hanson-Young, SC  
Rhiannon, L  
Siewert, R (teller)  
Waters, LJ  
Wright, PL  
Xenophon, N

NOES
Back, CJ  
Brown, CL  
Carr, KJ  
Colbeck, R  
Carr, R  
Colomb, R  
Corke, H (teller)  
Maiden, D  
Collins, JMA  
Cormann, M  
Corker, P  
Cormack, R  
Crossin, P  
Edwards, S  
Curtis, S  
Colbeck, R  
Cormann, M  
Corry, P  
Collins, JMA  
Cormack, R  
Cory, P  
Collins, JMA  
Cormack, R  
Cory, P

Question negatived.

World Heritage Areas

Senator COLBECK (Tasmania) (15:56): Mr President, I seek leave to make a short statement on Greens motion No. 1227.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator COLBECK: The motion is about logging in World Heritage areas and I acknowledge the vote of the chamber in respect of that. But Minister Burke in his nomination of Tasmanian forests as a World Heritage area actually included forests that were still to be logged as part of that process. Even after the nomination was put in on 28 February, in a letter on 30 April this year Minister Burke said:

My officials continue to work closely with the Tasmanian Government and Forestry Tasmania to refine the management boundary for the nominated extensions to the Tasmanian Wilderness World Heritage Area.

They are still playing with this boundary months after the initial nomination was put in. It shows the complete lack of integrity in the process and, in fact, how it is inconceivable that the World Heritage Commission could actually consider this when nobody has had the opportunity to comment on it because the boundaries are not even set yet.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:57): Mr President, I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MILNE: I just want to note for the record that motion No. 1227 called on the Senate to uphold the principle that areas listed as World Heritage should never be logged, and that principle was supported by Labor and the Greens but opposed by the coalition.

Uranium Mining: Jabiluka

Senator LUDLAM (Western Australia) (15:57): I move:

(a) notes that:

(i) 19 May 2013 marks 15 years since Mirarr Senior Traditional Owner, Yvonne Margarula, was arrested for trespass on her own country at Jabiluka,

(ii) legal action, public education and one of the largest blockades in Australian history involving 5 000 people from across Australia and...
around the world stopped the mining of uranium at Jabiluka, and
(iii) Yvonne Margarula has recently restated her absolute opposition to Jabiluka’s development and her wish to see the area incorporated into Kakadu National Park; and
(b) calls on the Government to incorporate the Jabiluka lease into Kakadu National Park.

Senator LUDBLAM: I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDBLAM: I will not call for a division on this, but I do want to acknowledge that 19 May 2013, which is this forthcoming Sunday, marks 15 years since Mirarr senior traditional owner Yvonne Margarula was arrested for trespass on her own land at Jabiluka. This was one of the largest blockades in Australian history. It was a huge campaign, led by senior Aboriginal traditional owners and, in particular, Ms Margarula. I want to acknowledge how extraordinarily offensive it must have been for a senior Aboriginal woman to be arrested on her own land for something as obnoxious as trespassing. It is the mining company that is trespassing on that land. The environment minister was happy to stand up with Mr Lee when we put the Koongarra mineral lease back into Kakadu. Jabiluka needs to go back into that park as well. We got Koongarra right; we got Ranger very wrong. This is a chance to get Jabiluka right as well.

Question negatived.

Leaders’ Debate Commission

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:59): I move:

That the Senate—
(a) notes the Australian Greens are committed to working with all parliamentarians to establish a Leader's Debate Commission in time for the 2013 federal election; and
(b) calls on the Labor Government to act urgently on this matter to ensure that the Australian people can hear directly from the leaders of all parties during the election campaign.

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

The Senate divided. [16:01]

(The Deputy President—Senator Parry)

Ayes ................. 9
Noes .................24
Majority............ 15

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

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

NOES
Back, CJ  
Bishop, TM  
Cameron, DN  
Carr, KJ  
Cash, MC  
Colbeck, R  
Collins, JMA  
Cormann, M  
Crossin, P  
Furner, ML  
Kroger, H (teller)  
Lundy, KA  
Madigan, JJ  
Marshall, GM  
McEwen, A  
McKenzie, B  
McLucas, J  
Moore, CM  
Parry, S  
Petley, H  
Pratt, LC  
Ruston, A  
Smith, D  
Urquhart, AE

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Budget

The DEPUTY PRESIDENT (16:03): A letter has been received from Senator Fifield:

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

The Gillard Government's Budget of more debt, more deficits, more taxes, more broken promises and more uncertainty.
Is the proposal supported?

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

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (16:03): What can we say about a government which has got things so far wrong over so many years? What is the consistent message? The only consistent message you can take away is that it is consistently wrong. We are in excess of $60 billion away from where it was predicted we would be four years ago, at the start of this budget estimates period. Remember the backslapping, the hugging in the chamber and everybody clapping last year—they were going to have a surplus of $1 billion; Mr Swan, the Treasurer of Australia, was a genius! Then, of course, it turned into possibly a smaller surplus. Then it turned into a deficit. Then it turned into a rather large deficit. Now I think it has turned into the fourth biggest deficit in our nation's history. And you have got to remember that even that is not the final figure. The final figure will come out in September.

What can you say about a government that went through the $75 billion debt ceiling? Then we had a temporary extension of the debt ceiling—because China apparently was going to go into recession—to $200 billion. Then the temporary extension became a permanent extension to a quarter of a trillion dollars. Then they went through the quarter-of-a-trillion-dollar debt ceiling. Now we have got a $300 billion debt ceiling. Now we are drawn $272.8 billion against that ceiling. Now we look into the budget estimates and, even by the government's own figures, they say that at the end of the budget estimates period the market value of our debt will be $370 billion. How on earth do we pay this money back? Where does this money come from?

I hear so many people saying about debt: 'It's just an argument in sophistry. It doesn't really matter. It's not really important.' You have to grimace when they tell you: 'It's all right. You'll get through the day.' It is not like that, because debt has to be repaid. Eighty-two per cent of this money is owed to people overseas, people who really want it back, like the Chinese and the people in the Middle East, provident people who save. They actually want the money back and we will have to pay them the money back. Where is that money going to come from? It is going to come from the people listening to this today. It is going to come from them.

What happens if we cannot pay it back? What happens if we cannot extend the debt ceiling? What happens if our credit rating goes down? What happens if we do not extend that debt ceiling and we go up to it? The cheques bounce. What does that mean? Let us look at it, because the best way to understand that is to go down to some of the intricacies of what happens when you go out the back door. We believe that health care should be public and it should be free. Well, you cannot have that when you go out the back door. We believe that education should be free. Well, you cannot have that when you run out of money. We believe that the Pharmaceutical Benefits Scheme—so you can get subsidised cancer treatment—is a great thing, but you cannot have that when you run out of money. That is what happens. That is why it is immoral to run out of money. It is immoral because of the hurt it causes. That is why this government has been so hopeless—this Greens-Labor Party-Independent amalgam, this peculiarity of the Australian political system, this thing that has driven the finances of our nation into the dirt. It is such a peculiar beast.

We must acknowledge that this government is not just a Labor government. By themselves, they could not govern. With
just the Labor Party and the Greens, they could not govern. They govern because they have the support of the Independents—in particular, Mr Windsor and Mr Oakeshott. That is how they govern. That is why it is genuinely a Green-Labor Party-Independent government. If we are to change the government, we must change Green members of the lower house, Labor members of the lower house and Independent members of the lower house. It is the only way it is going to work.

How we can take any of them seriously, when we have seen the catastrophic effects on our defence budget? Our defence budget—it must be one of the primary jobs, to protect the sovereignty of the nation—is now at its lowest levels, in GDP terms, since 1938. How can we run a platform to deal with the requirements of 21st century warfare, to protect our borders and protect our nation, when we have run out of money? Where did the money go? Where has it all gone? What have we got to show for it?

They say that they saved us from the global financial crisis; what a load of rubbish. If you want to know how we got saved from the global financial crisis, it requires a discussion of geology—little black rocks and little red rocks. The little red rock is called iron ore, from Western Australia. They put them on the boat and the good people of South-East Asia buy lots of them. The black rock is coal, predominately from Queensland. It goes on the boat and the same good people buy it. There are also wheat crops. They are the sorts of things that got us out of the global financial crisis, not ceiling insulation or school halls. It is an absurdity to suggest that that was what saved us or that we somehow singlehandedly rebooted the global economy with ceiling insulation and $900 cheques. No, what we did was create a complete economic fiasco for ourselves.

Now we have some serious problems. We had Mr Chaney, the head of NAB, on Lateline about a week ago. He was very dire. Mr Chaney said something that I think I said a few years ago myself. And I congratulate him; he kept his job. Mr Chaney said that in a few years time, if we go down this path, we will be like Ireland. Surely that jerks people back into gear. Surely, somewhere along the line, people start scratching their heads. David Murray, the former head of the Future Fund, said we are going out the back door. Surely somebody understands what this means, but instead we get Mr Swan. I would have to say that the feeling around this building, and over the last couple of days, is one of complete and utter anticlimax. There is just a hole where, once upon a time, competent people resided—because nobody can believe anything that the Green-Labor Party-Independent government says anymore. None of it matters. It is all pointless. It is all ridiculous. You can only be believed when you can stand behind your products and when you can bring your actuals in to meet your budgets. As a little old bush accountant I see that sophistry lives in budgets. Sophistry is the world of budget. The beauty of a budget is in the eye of the beholder. But if you want to put yourself up as the Cassandra, the clairvoyant or the Nostradamus in the budget, you have actually got to make your predictions come somewhere within the ballpark of what your actuals are. It has never happened. We have never got within a bull's roar of what was said was going to happen.

We have had other confusions in here, because the Labor Party gets egged on by the Greens. The Greens want to pay for the everything with a mining tax, but they do not believe in mining. They cannot ever nominate one mine that they believe in, but apparently that is how they are going to pay for everything.
How do we actually get ourselves out of this situation that the Green-Labor Party-Independent alliance has put us in? For how many years are we going to inflict this upon the Australian people? What happens with their heroic projections, even in current budgetary papers, and their terms of trade? Correct me if I am wrong, but our dollar has—for the first time—just slipped below parity. It has done that because the world is reading in a downturn in commodity prices. Where is that going to leave us in trying to finance a debt that was predominately raised from overseas? How much trouble have these people put us in? Where is the confidence that we can start moving the agenda back? Last time they left us with $105 billion gross debt and $96 billion net debt, just to show you how close the two figures ended up. When they left us debt of $105 billion gross and $96 billion net, it took the nation 10 years of a coalition government to pay it off. And there was a substantial asset in there as well: the sale of Telstra, which was $45 billion.

Now, in their own words, they talk about $370 billion as the market value of their peak debt. How do we pay that back? What are we going to sell this time? What is on the market this time? What can we possibly do? Where is the solution to this? Ladies and gentlemen, there is only one solution, and that solution is an election as quickly as possible and a change of government, and then an arduous period of time where we have to walk hand in glove with the Australian people. But we must explain to the Australian people that they were put in this situation by the Greens, the Labor Party and the Independents Mr Windsor and Mr Oakeshott.

Senator CROSSIN (Northern Territory) (16:13): I rise to provide a contribution to this matter of public importance. Senator Joyce, as you leave the chamber, I am not sure if that was a speech on the budget or a pre-selection speech: ‘Why you should vote for me to contest the House of Representatives seats.’ But, based on that performance, I think Tony Windsor will outstrip your knowledge of the economy any day.

I have great pleasure, actually, in standing up and speaking about last night's budget. That is particularly true if you come from the Northern Territory and you have had Indigenous people at the heart of your constituency—but I will get to that in a few minutes. We know, of course, the theme of budget this year—and you have heard Wayne Swan say it over and over again—is about a smarter, stronger and fairer future. This is a budget that puts jobs and growth front and centre, but it is more than that. It is much more than that. It not only sets out a pathway to the surplus. I think I saw the Prime Minister say today, in a transcript: 'Let's be honest about this; we were planning to have a surplus this year.' But some of the honesty that we have accepted, and some of the reality that the coalition will not accept, is that the income and the revenue we were expecting were not there.

What this budget does is make smart investments for our future—investments that Labor governments make. We will always act responsibly. We always prioritise jobs and the economy, but we are also known as a party that has put in place some of the great social infrastructure and stepping stones of our time. So let us have a look at what we have achieved. We have got a budget based on targeted and responsible decisions, made in line, as I said, with our Labor values. We have a clear choice in this budget between protecting jobs and making smart investments for the future or just taking an axe to the economy, making savage cuts to basic services, which is what those opposite in the coalition would want to do, and returning the budget to surplus a little faster.
We have decided to do the former and not the latter. This budget is about ensuring that we do create a fairer and more prosperous Australia for our future, for our kids. In painting the picture of how we arrived at where we were last night, let us have a look at our record.

Going back to the global financial crisis, we did get the big calls right to support jobs and growth. I have travelled overseas many times since the global financial crisis, and this country is certainly doing far better than any other. Senator Joyce mentioned Mr Chaney's reference to Ireland. I was in Ireland last year, and the one thing that people kept saying to me was, 'How is it that you notch up 21 consecutive years of growth and consecutive years of growth in Australia since the global financial crisis?' Why is it that there are so many young people in Ireland who are floundering to get a job, so they are coming out to Australia to do six or 12 months work? If you want to make reference to Ireland, have a look at what is really happening. People are turning to and looking at our economy and at our unemployment rate and our jobs growth rate and the way we support jobs through our economy. They are travelling out here to provide themselves with that opportunity—an opportunity they do not get back in Ireland.

We have an economy that is 13 per cent larger and an unemployment rate of 5.6 per cent. A 5.6 per cent unemployment rate would be the envy of many countries around this world. We have got solid growth and we have contained inflation; in fact, only a few days ago we saw interest rates drop once again. Since coming to office we have created 90,000 jobs. We have got a gold-plated AAA rating. So those opposite cannot stand here and lecture us about the economy and about what we have and have not done. If you look at our track record, you will see how well we have handled the economy since 2008. We have had a Treasurer who has been recognised around the world as being one of the best and finest to handle the books during the global financial crisis, and he continues to do so.

I want to talk about the signature pieces in this budget—building on Medicare, building on superannuation and building on the fact that we floated the dollar. Now we have got two more signature pieces that we can put the Labor brand to, including disability—anyone, anytime. How are we going to pay for that? By attaching it to the Medicare levy. I personally think it is a great long-term, sustainable way to go. I could walk out of here tonight and—God forbid—be struck by a car and need to rely on this scheme myself. You never know what is going to happen to you. I hear that so often from people I meet who have a disability—people who are not necessarily born with a disability but who have attained a disability through a workplace accident or a car accident, and they have got nowhere to go. My grandfather was struck by a truck in Bega four decades ago. It turned his life around, simply because he struggled to pay for the outcomes of his disability.

I want to commend the coalition for coming on board. I want to commend the Northern Territory government for signing up to the trial site in the Barkly region and for signing up to the NDIS last Saturday so that 7,000 Territorians can now benefit from it. How can you back away from this in the budget? How can you not support such a massive social infrastructure reform in this country?

It is the same with schools, under the National Plan for School Improvement. The massive increase that will be given to schools through the Gonski reforms will have untold benefits for each and every child.
in every classroom around this country and for every teacher and every specialist. Every outcome that we want to see improved will be improved because we are going to invest in education. I am disappointed to see the Northern Territory government not coming on board with that. Peter Chandler, the new Northern Territory Minister for Education, can see the reality and the benefits of Gonski, but we have a chief minister who wants to put a spanner in the works and halt those negotiations. I am hoping that we will continue to press with them the urgency of signing up to Gonski.

The budget contains $70 million for the Palmerston hospital and we had offered the Northern Territory government about $38 million for the new children's wing, to refurbish the paediatric ward at RDH. Both of those moneys are conditional, of course, on the Northern Territory government putting forward some of their own contribution. Yesterday, in handing down their budget, the Northern Territory government said no to both of those things. Go figure that. Go figure why you would not want to put money towards a new Palmerston hospital that would service more than 40,000 people, why you would not come to the party with $40 million to match our $70 million to get that hospital up and running. They have decided to waste $5 million on doing another scoping study. There is already a scoping study. It is in somebody’s filing cabinet in the Northern Territory. It was done by the previous Labor government. That is how we came up with the plan to build a hospital in the first place. There was a scoping study; it has been done. We do not need to reinvent the wheel. People, particularly Territorians, are sick of governments reinventing the wheel and writing reports for the sake of reports, having consultancies for the sake of consultancies. The work has been done. I am bitterly disappointed that the Northern Territory government did not make a commitment of $40 million yesterday to get that hospital up and running. In this budget we see $1.6 billion in funding towards improved health, education and other essential services, welfare reform, recognition and advocacy for Indigenous people and a big boost to their Indigenous languages and arts. Of course, this is part of our $3.4 billion package for the Stronger Futures in the Northern Territory.

This is a 10-year funding commitment. The $1.6 billion is part of that commitment. This is finally us as a government saying, 'We are not going to dribble out money to you every year or every three years. We are actually going to give you 10 years of guaranteed certainty so you can employ Indigenous people, train Indigenous people, write your strategic plan, implement it, review it and in fact have time to write another one.' This is a great budget for people in the Northern Territory, particularly if you are Indigenous. This is the budget that finally puts in place our commitment to a ten-year plan for your stronger future to ensure that we do actually match what we want to do with the rhetoric. This is now the money for you to start closing the gap and to put in place those programs, those employment outcomes, those job opportunities so that Indigenous people can finally relax and say—(Time expired)

**Senator CORMANN (Western Australia)** (16:23): The budget delivered by the Treasurer, Mr Swan, last night is another deeply disappointing budget. It is a budget which delivers more debt, more deficits, more taxes, more broken promises, more uncertainty. It is yet another budget which does nothing to strengthen our economy, to make us more competitive internationally or to help families deal with rising cost-of-living pressures. There is no credible pathway back to surplus. Earlier today the
Treasurer and Senator Wong were running the arguments that 'Yes, it is true that this time last year we really did plan, we really did have an intention, to bring the budget back to surplus this year.' What a completely dishonest attempt to rewrite history. There was not an intention, there was not a plan; there was an ironclad guarantee, a rock-solid commitment. There was a promise that, come hell or high water, the budget would be back in the black. That is what the Prime Minister said. The Assistant Treasurer, Mr Bradbury, was so convinced by the spin in Labor's budget last year that he went out to the constituents in his electorate with a flyer to say that Labor had delivered a surplus, which, of course, was not true, though Labor had promised a surplus—not that the Treasurer fessed up to it in his budget yesterday. What we now know is that the government, having promised a surplus this time last year of $1½ billion, is on track for a $19.4 billion budget deficit, the fifth budget deficit in a row under Wayne Swan's stewardship.

There are accumulated deficits of $191 billion under this government so far. In the first five years the government spent $191 billion more than it raised in revenue, even though this Treasurer had the benefit during the first four years of the best terms of trade in 140 years and even though this Treasurer introduced about 30 new or increased taxes in the first four budgets. As Senator Joyce accurately pointed out, this financial year is not over yet and we have not seen the final budget outcome yet. Conveniently, that will not happen until after the election. Do not tell me that the timing of the election has not got anything to do with that. Let me remind the chamber what the Treasurer said in last year's budget speech:

The deficit years of the global recession are behind us. The surplus years are here.

But we know that that was just a complete fabrication, a complete figment of the Treasurer's imagination. Given that people could not trust what Mr Swan predicted in his budget last year, why should anyone trust what he said in his budget this year? He is still making the same mistakes, either deliberately to mislead or incompetently.

Over the last couple of months we have had a plethora of extraordinarily dishonest spin from the Prime Minister, the Treasurer and the Minister for Finance and Deregulation about the reasons behind the failure of the government to deliver a budget surplus this year. We predicted this last year. We predicted last year, when the Treasurer wanted to make people believe that government revenue would go up by 12 per cent, that it would not happen. The government wanted us to believe that the economy would grow more slowly, that our terms of trade would fall, that the Australian dollar would be high. That was all predicted, but the Treasurer, Mr Swan, wanted people across Australia to believe that government revenue would go up by 11.8 per cent, to be exact, at a time when Treasury was also predicting that the economy would grow more slowly, that our terms of trade would fall, that the Australian dollar would be high. That was all predicted, but the Treasurer, Mr Swan, wanted people across Australia to believe that government revenue would go up by 11.8 per cent. It was never believable; it was never going to happen. The only person in Australia who truly seemed to believe that it would happen was the Treasurer and when the inevitable happened—when he failed to meet his overly or aggressively or unrealistically optimistic revenue forecasts—he threw his hands in the air and said: 'Our revenue has collapsed.' In fact, they have a technical description where they talk about 'revenue write-downs' without giving you the fine print that revenue has only been written down against the overly optimistic and always unbelievable and dishonest predictions made by the Treasurer in the
budget last year. But they do not give you that fine print.

Sometimes some of their own ministers get caught up in the spin. This morning at a budget breakfast with three accounting bodies, Mr Shorten had to correct himself. He started to say, 'Well, you know revenue has been falling'. Guess what, Mr Acting Deputy President? Government revenue in Australia is increasing and it is increasing strongly. Government revenue this financial year is up by more than six per cent, and next financial year it is expected to be up by more than seven per cent. That is nearly three times the rate of inflation. Just to pick up on the Prime Minister's example in recent weeks of average wage earner John, if any average wage earner across Australia were told: 'Guess what? You are going to get a seven per cent pay rise this year, on top of a six per cent pay rise last year' and if they were able to cover their expenses last year, they would say: 'That is great. Not only will I be able to cover my expenses next year, I will actually be able to put some money away for a rainy day.' But not this government. This government does not have a revenue problem; this government has a spending problem. This government is collecting $80 billion more revenue this year than in the last year of the previous coalition government. The problem is that this government is also spending $120 billion more this year than in the last year of the previous coalition government. That is how they turned a $20 billion surplus, which is what they inherited, into a $20 billion deficit—a $40 billion turnaround.

As I have said, Labor is still at it: the revenue forecasts in this budget are still dishonest. As much as the Treasurer is out there complaining about falling terms of trade, he is actually expecting the terms of trade over the next few years to essentially remain the same. His forecast for our terms of trade is to suggest that they will remain at least 15 per cent higher than their highest level under the previous government. Despite all of his bleating about the strength of the Australian dollar, and the impact that that has on the budget, he has not changed the exchange rate forecast—it was $1.03 in last year's budget; it is $1.03 in this year's budget. And you cannot blame the impact of the Australian dollar on government revenue for the failure by the government to raise the revenue it predicted, because last year $1.03 was predicted and that was essentially what happened throughout the year.

As for the mining tax, it has been a complete failure. It is a complex, distorting, inefficient tax that is costly to administer and costly to comply with. It will raise just $200 million this year, 95 per cent below the original forecast that Wayne Swan made when he announced the tax—yet he wants us to believe that it will increase by more than 10 times over the forward estimates. It is not going to happen. He wants us to believe that the carbon price is going to be double what any other expert thinks it will be in 2015-16. Then the government is drawing a line between its inaccurate assumption in 2015-16 and an imaginary objective of $38 a tonne in 2019-20, and it is saying that everything on the line is now its new estimate in the intervening years. This government could not be trusted last year; it cannot be trusted this year. It is time for this government to go. It is time for this government to be replaced with a government that can actually manage the books.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (16:33): I rise today to inform the opposition that the Gillard government's budget is certainly not one that can be characterised as more debt, more deficits and more taxes. It is a balanced, prudent, reasonable budget that makes wise investments in Australia's future.
It is a budget which recognises that the global economy remains fragile, and that a high Australian dollar is not welcome news to many businesses. We cannot expect to reap the same tax revenues we have enjoyed in previous years. This budget prepares for that.

My own state of Tasmania will benefit enormously because we in the Gillard government have made sound choices for the future of the state. We have chosen improved infrastructure. The next phase of the $60 billion investment through the Nation Building Program commits significant funds to major new projects. This takes Labor's total investment in the state's road, rail and public transport infrastructure to an unprecedented $1.9 billion since 2008. The government has released its preliminary schedule of new projects to be funded and delivered under the Nation Building Program over the next five years. This list includes $500 million going towards the Midland Highway Safety Package to improve safety and productivity. But this budget is not just about improving Tasmania's roads; just under $120 million has been dedicated to freight rail revitalisation to continue improvements to the major lines. We have also chosen a first-class health system. I know this issue is a particularly uncomfortable one for those opposite, since their leader presided over massive cuts to federal health funding whilst he was the health minister—I recall it was some one billion dollars that was gutted out of the health budget under Mr Abbott. This budget provides Tasmania with a record $399 million investment in funding for its health system. This means that the state will enjoy improved health and hospital facilities, more frontline services and improved care for patients, no matter where they live.

We have chosen superior schools. Schools in Tasmania will benefit from an additional $400 million under the groundbreaking National Plan for School Improvement. The federal government is paying two dollars for every dollar being spent by state governments on our nation's schools: what an achievement! We have chosen more jobs, the issue of the highest possible importance to Tasmanians. Over the next four years, over $10 billion will be spent on employment services. This includes $5.3 billion for Job Services Australia, an organisation that works with job seekers to provide the training and support they need to get back to work as quickly as possible. Since this scheme replaced the Liberals' Job Network, we have achieved 90 per cent better outcomes for the most disadvantaged job seekers. We want all Tasmanians to be able to find work. This investment has seen over 43,000 people placed in work since the program began. On top of this, $238 million in new funding has been dedicated to establishing up to ten industry innovation precincts, including a defence precinct. This takes total funding for this initiative to close to half a billion dollars. We chose the National Broadband Network, something I am particularly passionate about and from which Tasmanians have already seen benefits. The Gillard government has announced plans to bring the total number of premises where NBN construction will commence or be complete by mid-2016 to more than 208,000. We are doing it all.

I note also that the state's share of GST revenue has jumped by $71 million, despite predictions it would plunge. If a coalition government were in power, we know that GST revenue to Tasmania would fall by $600 million dollars. The coalition plans to take money from Tasmania and deposit it into the hands of richer, larger Liberal held states such as Western Australia. I can see my colleague opposite, Senator Sinodinos, smiling. We Tasmanians are not smiling...
because we know how that will impact on health and on schools. We cannot let this happen.

When it comes to considering this budget in the broader context of Labor's strong management of the economy, it is important to remember that we are the envy of countries around the world. Had we been able to experience the full force of the global financial crisis and the impact of slipping into recession, perhaps people would now recognise just what Labor has achieved. Despite a global credit crunch, Labor has presided over an economy that is 13 per cent larger. Our unemployment rate is at 5.6 per cent, we have experienced solid growth and we have contained inflation.

Australia enjoys a gold-plated AAA rating from all three global ratings agencies—something the coalition never achieved in 11½ years. Even as various industries experience a fall in international demand and a high Australian dollar, since coming to office Labor has created around 900,000 jobs.

We should never forget that, during the Howard years, the coalition failed in its duty to invest in the nation's future. Despite enjoying unprecedented tax revenues that delivered a sugar hit to the Australian economy, there were negligible advances in education and health measures to assist vulnerable elements of the community. Instead, we saw unsustainable middle-class welfare and a series of election year bonuses and bribes.

Not so with this government: Labor governments understand that all members of the community can thrive and take advantage of our strong economy only if a level playing field is created. We want our children to enjoy a world class education system and we have not put services for those with disabilities into the too hard basket.

On numerous occasions I have had the privilege of speaking in this chamber about the National Disability Insurance Scheme. As the Prime Minister demonstrated so poignantly this morning, there is nothing more important to this government than realising the full potential of this scheme. This budget sets it in stone. DisabilityCare will ensure that the level of support a person with a disability will receive will not depend on where they live or how they acquired their disability. In Tasmania alone, the Gillard government will contribute close to a quarter of a billion dollars by 2019. This means that over 11,000 Tasmanians will be eligible for support under DisabilityCare.

Over the course of today, as journalists recovering from last night's festivities across Kingston and Manuka report from tents outside a rain-soaked Parliament House, we are going to hear a lot of strange things said about this budget. We will no doubt hear the shadow Treasurer claim that the Gillard government has broken promises. But he knows full well that budgets need to be adapted to meet changing economic conditions—or I hope he does; I am not always sure from what I read and what he says. We may well witness hysterical predictions from various talking heads on Sky News that this budget will cause the sky to fall in on itself. But, of course, that is not the real story. I remind all Australians that, despite everything they have seen on television or read in the newspapers about this budget, they really need to consider that they have a choice—a choice between a government making targeted and intelligent investments in the future and an opposition that wants to make unnecessary cuts that will sacrifice jobs and harm the economy; a choice between a government focussed on employment and growth and an opposition obsessed with fearmongering about deficits and uncertainty; a choice between a
government that provides opportunities for all Australians and an opposition operating at the behest of mining executives, big tobacco and the noisy, privileged few.

We are not like those opposite in this chamber; we will never forget about you. I guarantee you this: the Gillard government will persevere and make our voices heard over the din of cynical opposition jibes and lazy reporting. We will always fight to improve this country and put jobs and economic growth first. Sometimes in Canberra it is difficult to find the signal amidst the noise, particularly during budget week. It comes down to a simple choice between a government making smart investments in Australia’s future, enhancing prosperity across every corner of this increasingly divided country and protecting jobs, or an opposition working for the haves and the have mores. Labor will never forget about you. Whether you are someone struggling to run a small business on slow broadband speeds, someone confined to an unsuitable wheelchair, someone who did not enjoy a private education on the North Shore—(Time expired)

Senator SINODINOS (New South Wales) (16:43): It is a pleasure to take part in the debate on this matter of public importance concerning more deficit, debts, broken promises and policy uncertainty. I am speaking, of course, of the government. Let me begin by updating Senator Polley, who early in her speech spoke against middle-class welfare. Stop press: at lunchtime at the National Press Club, in a luncheon address, the Treasurer, Mr Swan, gave a vigorous and spirited defence of middle-class welfare. Stop press: at lunchtime at the National Press Club, in a luncheon address, the Treasurer, Mr Swan, gave a vigorous and spirited defence of middle-class welfare. In fact, he took great exception to the term. He said targeted family payments are important because they provide us with a way of providing support for the next generation. He took umbrage at the term ‘middle-class welfare’. Indeed, many on the other side other than the now Treasurer have used this term all too loosely. I mention that because the capacity to have provided baby bonuses and targeted family payments, to have paid down the debt that the Howard-Costello government inherited in 1996 and the capacity to provide income tax cuts were all ticked off through the 1990s and into the 2000s by the Treasury. The target of one per cent to 1.5 per cent of GDP for a surplus was ticked off by the federal Treasury and, indeed, by the Reserve Bank.

A myth has grown up that the only way the Howard government ever achieved anything was because of the increase in national income through the terms of trade in the latter part of its term. Well, as Peter Costello reminded us the other day, it was a government that produced 10 or 11 surpluses out of 12 budgets—think about that. In other words, in good times and bad, it was a government that had the management capacity, the sagacity and the courage to make the decisions that were required. There are many on the other side of the house who will recall the way in which they opposed many of the measures taken at that time. So I take umbrage at the idea that, somehow, the mantle of fiscal conservatism has been appropriated by a government which is yet to produce a surplus. It is a government which has, indeed, produced the four successive biggest deficits in our history, which has three more deficits to go, and whose definition of the economic cycle now extends well beyond seven years. It now has a target of achieving a surplus over the cycle. Well, the cycle is getting longer and longer.

The sad truth for the Australian economy and for our vulnerability to future downturns is that in their almost dying days, five minutes to midnight, this government are taking measures which, if they were genuine about being fiscal conservatives, they would have taken six years ago when they came
into power. They have had a deathbed conversion to making savings to make up for their increased spending. They have had a deathbed conversion to taking a conservative approach to making revenue forecasts. They should have realised, once the initial numbers came in after the global financial crisis, that revenue would not be growing as strongly as it had pre the global financial crisis. In this budget they are budgeting for revenue to grow by something like seven per cent, which has been the average over the last few years. Finally, they are conceding the obvious point that you need to budget according to the revenue that you have, unless you want to keep raising taxes—and I will come back to taxes.

The real issue that has dogged this government since the recovery from the global financial crisis has been the fact that they have not been willing to take the action required to bring spending under control. The reason the coalition focuses on spending as opposed to tax is that we believe, fundamentally, if you want an economy which rewards enterprise, rewards initiative, then to the maximum extent possible you should keep the pressure on efficient, effective public spending and try to reduce the pressure on the tax base. It is a very important principle. That principle has underpinned what we did in government with things like the switching between inefficient, indirect taxes and the goods and services tax, and then the trade-off between those indirect taxes and cutting personal income tax. All those years in the early 2000s when the coalition was cutting tax the Treasury was putting into the budget statements estimates of the impact that that was having on the incentives to work, save and invest, which are, principally, the incentives to greater labour force participation. They knew, as we knew, that they were supply side measures; they were not just giveaways. So, no more of this idea that they were just giveaways. They had a discreet and important economic as well as social purpose.

This government is in the position it is today because no-one believes what it has put into this budget, and the people have to cop it for four months until the election. In their bones the people out there know that they cannot believe what is in this budget because for too long, unconditionally, they have been promised things that have not come to pass. The Prime Minister and the Treasurer have sworn black and blue 300 or 400 times that there will be a surplus come what may. At the Press Club last year the Treasurer, in answer to a question from Mark Simkin, said that he would deliver a surplus come what may. Now, any economist could have said, 'What? You're going to cut spending in the middle of a recession just to achieve a surplus? You'll override the automatic stabilisers just to achieve a surplus?' What that betrayed to me, if not to other people, was that the Treasurer did not understand his job. He was making an unconditional political point. In this game that always catches up with you. You always get mugged by reality whether you like it or not.

This budget will only reinforce in people's minds the litany of broken promises of this government. The principle broken promise, of course, goes back to beyond the 2010 election when the now Prime Minister pledged that there would be no carbon tax under a government she led. That started the rot. Her credibility was under a cloud already, but that really started the rot. So we have a government which has produced deficits when it said it would produce surpluses, which said it would reduce debt when it has increased debt, which has broken promises that it tries to make up for by making more promises, more estimates,
more assumptions. It is hoping, like Mr Micawber, that something will turn up, that the terms of trade will be a bit stronger than it thought, that external stimulus in some form will be stronger than it thought.

**Senator Faulkner:** Didn’t you design non-core promises, though?

**Senator SINODINOS:** And another myth from the government about core and non-core promises. I will address that on another day; that is the subject of a chapter all of its own. I will not be distracted by the bleachers on this occasion; I will keep talking about the policy uncertainty induced by the actions of this government. What do I mean there? Here is a classic example: all of a sudden, again, the government are the champions of improving our schools. But, hang on, $2 billion is ripped out of universities to help achieve that. A couple of years ago the government were lauding the role of universities in our system and talking about how they were uncapping places and so on and so forth.

My colleagues the Greens made a very important point about the consistency of messaging: if you support education, you sacrifice one element of education in order to buttress another. This is where the mixed messages of this budget come to the fore. This is not how you sell a budget. This is not how you sell a consistent message. There is no message left. The only message is, like Mr Micawber said: ‘Something will turn up. Let's just get through the next four months. Let's lay down a few fiscal booby-traps and maybe the other side will have to pay for all the promises that we've made.’ That is not to say that over the years the government has not made some good decisions, but the fact of the matter is that, unlike truly successful long-term governments, it has failed to create a consistent and coherent message around what it is doing.

People opened the *Daily Telegraph* today and saw a list of measures. They saw all the family payments being cut and all the other payments being cancelled or postponed, which were flavour of the month, as it were, last year or the year before. They were championed—that only Labor could protect Medicare, and they started to slash Medicare to build DisabilityCare. They said there would be no more taxes, and then there were new taxes to support DisabilityCare. The mixed messages will bury this government.

**Senator FAULKNER** (New South Wales) (16:53): I will respond to some of what Senator Sinodinos said a little later in my contribution. I want to begin this afternoon by welcoming the opportunity to speak on this matter of public importance about the 2013-14 budget. Of course, as is my practice, I will leave the hysteria and ritual denunciation to opposition senators. After all, it is just same old, same old from them: hyperbole, negativity, doom and gloom. Perhaps it is time for a more objective assessment, the sort of assessment that former Senator Rosemary Crowley—who I note is in the gallery—was noted for in her time as a senator in this chamber. I believe that such an assessment would acknowledge that the government has found the right balance between strong investment in our nation’s future and responsible savings. I believe such an objective assessment would acknowledge the government's investments in education and disability care as very significant achievements indeed. Certainly, such an objective assessment would acknowledge the government's investments in education and disability care as very significant achievements indeed. Certainly, such an objective assessment would have to acknowledge that the government has delivered this budget from a position of economic strength, as one of the strongest economies in the developed world.

What is this record? What do the facts actually tell us? Our economy has grown by 13 per cent since the beginning of the global
financial crisis. More than 950,000 jobs have been created by the government. For the first time ever, we have a AAA credit rating from all three international ratings agencies. This has never been achieved by Australia before, and only seven other countries in the world share this achievement. Inflation is contained and interest rates are at record lows. All of this has been achieved in a climate of global economic uncertainty and during a period in which we have had the world's worst recession since the Great Depression.

The decisive action taken by this government during the global financial crisis meant that we have emerged from the GFC with strong growth, low unemployment and solid public finances. Regardless of what the opposition says, the truth is that our economic position is the envy of the developed world. Australia has seen 21 consecutive years of economic growth. Our economy grew by 3.1 per cent over the past year around its trend rate and faster than any major advanced economy. Since this government came to office in 2007, Australia has moved up three places to now be the 12th largest economy in the world, passing South Korea, Mexico and Spain. More than 950,000 jobs have been created since the current government came to office, despite the fact that millions of jobs have been lost worldwide.

Australia's unemployment rate of 5.5 per cent is one of the lowest in the developed world, less than half the unemployment rate in Europe, which is 12.1 per cent, and significantly less than that of the United States of America, which stands at 7.5 per cent, and the OECD, which stands at eight per cent. Our net debt will peak at only 11.4 per cent of GDP in 2014-15, less than one-eighth of the peak across major advanced economies, with many experiencing levels of net debt over 90 per cent of GDP.

I do not expect all members of the opposition to agree with these facts and figures. After all, they are just statistics, and the opposition seems to reject statistics from time to time. But I know that Senator Sinodinos, who spoke just before me in the debate, was of course the former Prime Minister's economic adviser—that is, Mr Howard's economic adviser—from 1987 to 1989. He had a bit of a break and then came back and was again economic adviser to Mr Howard from 1995 to 1997 and then became Mr Howard's chief of staff from 1997 to 2006. So I suppose that Senator Sinodinos would have seen the article in today's Sydney Morning Herald. I do not always quote the Sydney Morning Herald as a journal of record, but there it is on page 7, under the cross-head 'Unemployment: Former PM surprised by low rate'—and I interpolate here that the former PM is Mr Howard: 'Resilient economy in better shape than most, says Howard'. This is written by journalist Deborah Gough, and I thought I would share it with the Senate, particularly Senator Sinodinos, who was lyrical about the efforts of the government which he served as a staffer. It says:

Former prime minister John Howard gave the economy a big tick before Treasurer Wayne Swan delivered his sixth budget on Tuesday night.

I wish he had told Senator Sinodinos! It continues:

In an off-the-cuff speech on Friday, reported by trade website The Adviser, Mr Howard was upbeat about the economy.

I wish he had told Senator Sinodinos! It continues:

"When the Prime Minister and the Treasurer—this is quoting Mr Howard directly. Mr Howard said:

"When the Prime Minister and the Treasurer and others tell you that the Australian economy is doing better than most—they are right," Mr Howard said.
The low unemployment rate had surprised him …

"We are still fortunate that we have an unemployment rate with a five in front of it. I wouldn't have thought that was going to be possible a few years ago, and I don't think many people would. Our unemployment has remained pleasingly quite low," …

"And our debt to GDP ratio, the amount of money we owe, to the strength of our economy, is still a lot better than most other countries," he said.

There is Mr Howard, Senator Sinodinos's former employer for all those years, endorsing the Australian economy and, I believe, endorsing the stewardship of the Australian economy of the government elected in 2007. On this occasion—and I would rarely say it—Mr Howard got it right.

The ACTING DEPUTY PRESIDENT (Senator Marshall): The time for this discussion has now expired.

COMMITTEES

Scrutiny of Bills Committee

Report


Ordered that the report be printed.

Public Accounts and Audit Committee

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:04): On behalf of the Joint Committee of Public Accounts and Audit, I table a statement on the draft estimates for the Australian National Audit Office and the Parliamentary Budget Office for 2013-14 and seek leave to incorporate the statement in Hansard.

Leave granted.

The statement read as follows—

STATEMENT BY THE JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT ON THE 2013-14 DRAFT ESTIMATES FOR THE AUSTRALIAN NATIONAL AUDIT OFFICE AND THE PARLIAMENTARY BUDGET OFFICE

As the committee responsible for parliamentary oversight of the Parliamentary Budget Office and the Australian National Audit Office, the Joint Committee of Public Accounts and Audit is required by legislation to consider the draft budget estimates for each office, with the Chair making recommendations to both Houses of Parliament. Therefore, on Budget day each year the Committee makes a statement on whether, in its opinion, these offices have been given sufficient funding to carry out their respective mandates.

In support of this process, both the PBO and the ANAO are empowered through their respective legislation to disclose their draft budget estimates to the JCPAA, which the Committee then considers in making any representations to Government and the two Houses.

Parliamentary Budget Office

In accordance with the Parliamentary Service Act 1999, the Committee received a copy of the PBO's draft budget estimates and met with the Parliamentary Budget Officer in March to review the office's position. The Committee has subsequently received an update from the Parliamentary Budget Officer identifying revisions to his estimates.

The PBO has had a small level of additional savings allocated to it over the next two years. However, it did receive additional funding to increase its permanent staffing in response to a decision by Government to extend the PBO's mandate.

The PBO's total revenue from Government will be $10.752 million in 2013-14. The Parliamentary Budget Officer has given assurances to the Committee that overall the budget approved for 2013-14 provides the necessary funding for the PBO to operate effectively and meet its legislated mandate.
On this basis, the Committee endorses the proposed budget for the Parliamentary Budget Office in 2013-14.

**Australian National Audit Office**

In accordance with the Public Accounts and Audit Committee Act 1951 and the Auditor-General Act 1997, the Committee received a copy of the Australian National Audit Office draft budget estimates and met with the Auditor-General in February to review these estimates. The Committee has subsequently received updates from the Auditor-General identifying revisions to his estimates.

The Auditor-General's funding proposals were made in the context of considerable cost pressures. To place the Audit Office on a more sustainable footing, the Auditor-General advised the Committee that he had sought modest supplementation in the 2013-14 Budget:

1. To fund the auditing of financial statements for newly created government entities, which is a statutory requirement of the Auditor-General; and
2. To fund the continuation of a pilot audit of agency Key Performance Indicators using new powers given to the Auditor-General in 2011 following a recommendation by this Committee.

The Committee has been advised that, in today's Budget:

1. The Audit Office will be receiving some $0.7 million to cover additional financial statement workload in 2013-14. No additional funding has been provided for the forward years, but the Audit Office has been requested to develop a longer term funding arrangement for consideration by Government.
2. The Audit Office has not received the requested supplementation for its KPI initiatives—however, it has been given the opportunity to bring back the proposal in the 2014-15 Budget process.
3. Targeted savings measures will result in a small further reduction to the Audit Office's annual appropriation over the forward years.

The Audit Office's total revenue from Government is $74.965 million in 2013-14.

The Auditor-General has advised that while this appropriation is not as much as was requested, with the help of prior surpluses, it is sufficient for him to discharge his statutory obligations and his work program for the year ahead. On this basis, and noting the tight fiscal environment, the Committee endorses the proposed Budget for the Audit Office in 2013-14 and recommends its passage.

However, the Committee is strongly concerned about the level of funding uncertainty for the forward years. As it stands, the Auditor-General has indicated that the Audit Office will need to reduce its work program in the forward years unless new funding is provided in next year's budget.

The Audit Office is unable to reduce its financial statement audit work because of its mandatory nature and the need to adhere to professional standards. Proportional funding increases need to be provided as new entities are created. It is highly unusual that in this Budget no funding has been set aside for the audit of new entities in the out-years. This sets a concerning precedent for future budgets. The Committee notes the Government's request for the Auditor-General to develop options for longer term funding arrangements for new agency financial audits, and strongly encourages the results of this work to be seriously considered by Government.

The Committee will also closely monitor funding provided to implement a full audit work program for Key Performance Indicators in the 2014-15 Budget, informed by the outcomes of the Auditor-General's current pilot project. The Audit Office has indicated that a broader KPI audit framework will not be able to be funded from its existing resource base.

The Committee therefore recommends that steps be taken in next year's Budget to place the Audit Office on a more financially sustainable footing to ensure that its essential work in scrutinising Government processes and expenditure is properly resourced.

**Conclusion**

In conclusion, the Committee is concerned about the increasing pressures being placed on the PBO and the ANAO. Both agencies received only
partial funding for their extended mandates. On top of this, additional savings measures have been applied that further reduce the available funding.

As independent authorities, the PBO and the ANAO need to be sufficiently funded to fulfill their legislative requirements and adequately support the Parliament. It is also incumbent on all members of parliament to support the independence of these statutory offices by ensuring that their work is not misrepresented in public forums.

The Committee appreciates the efforts of both the Parliamentary Budget Officer and the Auditor-General in maintaining strong working relationships across the Parliament, and particularly with this Committee. They have made themselves available for regular briefings and have been responsive to requests for information on a variety of topics. The Committee looks forward to continuing these productive relationships.

**Public Works Committee Report**


**Environment and Communications References Committee Report**

**Senator BIRMINGHAM** (South Australia) (17:05): I present the report of the Environment and Communications References Committee on the feasibility of a prohibition on charging fees for an unlisted number service, together with the submissions.

Ordered that the report be printed.

**Senator BIRMINGHAM**: I move:

That the Senate take note of the report.

In doing so, I highlight that unlisted numbers are certainly an important privacy protection in certain circumstances. There is very definitely, however, also a public benefit to having directories of listed numbers. In this regard, we find ourselves in the circumstance where the government and governments over many years have maintained a duality of circumstances. There is an obligation that public directories of listed landline, fixed line, numbers be printed and provided but equally that there be provision for the capacity for people to have private numbers within that arrangement.

The committee investigated the circumstances under which unlisted numbers may be necessary and the merit of charging a fee for this privacy protection, which has long been the common practice and the standing practice by Telstra, which has the obligations placed upon it.

The Telecommunications Act provides for numbers to be unlisted; however, it is silent on whether a fee can be charged for an unlisted number.

Telstra's carrier licence requires it to provide and maintain an Integrated Public Number Database. This database is vital in ensuring the operation of emergency call services, emergency warnings and a range of government and public functions.

Telstra is also required under its licence conditions to produce a directory of public numbers—namely, of course, the *White Pages*. It is important to recognise that this does place an administrative cost on Telstra to fulfil this obligation. In particular, there are costs associated then with managing alterations to that directory, with such alterations or variations increasing the costs of an otherwise fairly automated process. To ensure privacy, consumers have an option, as they have long had, to pay a modest fee to have their number unlisted.

Many witnesses, during this inquiry, cited this fee as an impediment to privacy.
Concerns were particularly strong in the case of domestic violence victims, where there is a clear need for privacy protections and where the victim may not have the means to afford the fee.

The Australian Privacy Foundation, for example, submitted that a prohibition of the fee was desirable, while the Consumer Credit Legal Centre (NSW) stated that 'privacy is a basic right and consumers should be able to control the use or disclosure of their personal information with as little effort or inconvenience as possible'.

I am pleased that Telstra has announced that from May 2013 it will introduce a program which formalises what has been a previous practice of waiving the fee for a silent line for customers whose personal safety is at risk.

Telstra further assured the committee that for customers who do not meet the formal eligibility criteria established for this waiver, Telstra customer service agents will be empowered to apply the fee exemption where appropriate. This is a positive change from Telstra. It is formalising some activities which were previously undertaken but will hopefully provide far greater confidence—that the fee will indeed be waived—to those in the community who may be concerned about this fee application in cases of domestic violence or other instances where it is clearly warranted.

In an environment where public directories of phone numbers are still of some use—as time evolves and a shift from the traditional landline phone continues, that will not, perhaps, always be the case—the committee believes that Telstra's actions represent an appropriate response to the need to provide for privacy whilst maintaining a robust public directory. Obviously, the more people opt out of the public directory, the less worthwhile it becomes.

In future, as consumers increasingly rely solely on mobile phones or on voice-over-Internet-protocol activities or the like, there may be a change to this situation. Given that mobile phones are automatically unlisted numbers, the public benefit of the public directory may be reduced. For now, however, the committee recommends the Telecommunications Act 1997 not be amended to prohibit the charging of a fee for an unlisted number. We think there is some merit in this small disincentive to general consumers being maintained to discourage them from unnecessarily requesting unlisted numbers, especially when there is now a provision to ensure that those who have an immediate and genuine need do get those unlisted numbers without application of a fee. For others, it is a very minor fee. As the committee said in the report:

The committee agrees with comments made by Telstra that if it is compelled by its Carrier License Conditions to produce a national telephone directory, that it would be inconsistent for it to then also be compelled to support a government policy that could encourage users to remove themselves from that directory. Eventually this position would undermine the purpose and usefulness of the directory. The committee therefore considers that a nominal charge which has the effect of ensuring that most people do not unlist their number is beneficial to the directory and ultimately to the community.

This is an issue which has been considered in the past and may well come up again. In future, I would suggest to the committee, future ministers or others looking at this issue that it may be more appropriate, as the years go by, to be reviewing the actual need for and merits of imposing the obligation of maintaining a public directory, rather than purely looking at this issue of whether or not a nominal fee is applied to those who seek unlisted numbers.

The committee also recommended that, to ensure consumers are fully aware of how
their personal information is used, the Australian Communications and Media Authority produce relevant material for telecommunications users that explains where their personal information is published and how it may be made private.

As always, I thank the committee secretariat for their valuable work in the preparation of the report and the small number of interested parties in the community who made submissions and participated in the inquiry. I commend the report to the Senate.

Question agreed to.

Corporations and Financial Services Committee Report


Ordered that the reports be printed.

Human Rights Committee Report

Senator STEPHENS (New South Wales) (17:13): On behalf of the Parliamentary Joint Committee on Human Rights, I present the sixth report of 2013 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 STEPHENS: I move:

That the Senate take note of the report.

The sixth report of 2013 of the Parliamentary Joint Committee on Human Rights sets out the committee's consideration of 34 bills introduced during the last parliamentary sitting week, as well as 492 legislative instruments registered with the Federal Register of Legislative Instruments (FRLI) during the period 16 February to 19 April 2013 and 29 responses from ministers and private members and senators to comments made in various previous reports.

The committee has identified 18 bills that it considers require further examination and for which it will seek further information. The committee also considered the Native Title Amendment Bill 2012, which had been deferred from the committee's first report of 2013, and will seek further information in relation to this bill. The remaining 16 bills do not appear to give rise to human rights concerns.

The committee has identified 14 legislative instruments for which it will seek further information before forming a view about their compatibility with human rights. The committee has also decided to consider two instruments as part of its examination of the Stronger Futures package of legislation.

Seventy-four of the instruments considered do not appear to raise human rights concerns but are accompanied by statements of compatibility that do not fully meet the committee's expectations. The committee will write to the relevant ministers in a purely advisory capacity providing guidance on the preparation of statements of compatibility. The remaining 403 instruments considered do not appear to raise any human rights concerns and are accompanied by statements of compatibility that the committee considers are adequate.

The committee has concluded its examination of 26 bills and instruments for which it has received responses. For the most part, the responses have addressed the concerns raised by the committee and have provided detail which could usefully have
been included in the statement of compatibility. In a number of cases, the committee has not been able to reach a concluded position on the compatibility of the bill or instrument with human rights as the response has not addressed the committee's questions. The committee has therefore decided to seek further information in relation to three of the responses received.

A number of legislative instruments introduced during the period under examination in this report have the effect of expanding the operation of the primary enabling legislation. The committee has previously expressed its expectation that, where a bill or legislative instrument expands the operation of existing legislation or confers existing powers on new entities, the relevant statement of compatibility will include an examination of the compatibility of the existing legislation with human rights. The committee considers that an analysis of the legal effect and the practical impact of legislative instruments requires consideration of the statutory framework of which they form part. The committee notes that this approach contributes to the committee's performance of its mandate under the Human Rights (Parliamentary Scrutiny) Act 2011 to examine acts for compatibility with human rights.

Four instruments considered in this report seek to expand or extend the operation of the Extradition Act 1988 and the Mutual Assistance in Criminal Matters Act 1987. The committee has therefore taken the opportunity to ask the Attorney-General to provide the committee with an analysis of the compatibility of those acts with human rights. The committee notes that it may be desirable for the committee to undertake a full examination of these acts for compatibility with human rights in the future.

In the case of one other legislative instrument, the committee has underscored the significance of its concerns in relation to a range of human rights issues by noting that, where the committee is not satisfied that human rights concerns have been adequately addressed within a legislative instrument, it may consider taking the precautionary step of giving a notice of motion to disallow the instrument. This is not a step that the committee would take lightly. The committee remains optimistic that most of the concerns raised in its reports can be dealt with in a satisfactory and timely way to enable the committee to conclude its examination of the legislation while it is still before the parliament, in the case of bills, or before the expiry of the disallowance period for legislative instruments.

In this context, I would like to acknowledge receipt of responses from the Treasurer in relation to the Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2013, which the committee considered in its fourth report of 2013, and from the Minister for Health in relation to the Biosecurity Bill 2012, which was considered in the committee's first report of 2013. Both the Treasurer and the minister have noted that the provisions in relation to which the committee had expressed human rights concerns are broader in scope than intended. The Treasurer has advised that he will progress a government amendment to address the specific concerns that the committee has raised and the Minister for Health has undertaken to review the scope of the relevant provision. The committee will publish the Treasurer's response in its next report to the parliament. In the meantime, I thank both the Treasurer and the Minister for Health for their timely and positive responses to the committee's concerns.

Finally, I acknowledge that by any standards this is a very large report. This is
unavoidable given the volume of legislation and correspondence considered in it. However, it does highlight that members and senators and others who follow the committee's work may have difficulty in accessing the material contained in this report easily. The committee is cognisant of the need to continually improve the presentation of its work to increase efficiency and accessibility. Fortunately, the reports on the committee's website facilitate direct access to the committee's comments on particular bills or legislative instruments. The index to the PDF version of the report includes hyperlinks to each individual bill and instrument considered, and the HTML version of the report, which will be available shortly, provides an alternative means to access individual bills and instruments.

I also commend the diligence and hard work of the secretariat and their staff, who really have a huge challenge in trying to turn the information that is presented into something that the members of the committee can absorb and understand in terms of meeting their responsibilities under the parliamentary scrutiny act. I commend the committee's sixth report of 2013 to the Senate.

Question agreed to.

**BUDGET**

**Statement and Documents**

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (17:20): I present a corrigendum to the 2013-14 portfolio budget statement for the Broadband, Communications and the Digital Economy portfolio.

**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. Letters of advice are tabled in response to the continuing order relating to departmental and agency appointments, vacancies and grants.

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

**COMMITTEES**

**Law Enforcement Committee**

**Membership**

A message from the House of Representatives was reported informing the Senate of a change in the membership of the Parliamentary Joint Committee on Law Enforcement, as follows:

Message no. 619, dated 15 May 2013—Mr McClelland in place of Mr Hayes.

**REGULATIONS AND DETERMINATIONS**

**Building Code 2013**

**Disallowance**

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:22): I move:

That the Building Code 2013 be disallowed.

The Building Code the government has sought to implement needs to be rejected. Firstly, the code was signed off by the minister without any consultation with industry stakeholders. I make that point again—it was without any consultation with industry stakeholders. One has to ask the question: why would a minister for workplace relations do such a thing without consultation? It is because he is acting at the behest of his union masters.
Secondly, the code was announced under cover of Ms Gillard's bizarre election date announcement. In other words, it was announced at a time when it was designed to get as little publicity as possible. Thirdly, the Building Code was designed to deliberately override state codes, such as in Victoria, and did so without consulting the states either.

Fourthly, the Building Code came into effect 48 hours after its announcement. Fifthly, the Building Code does not even have transitional arrangements, which all other previous codes actually had. So why weren't there any transitional arrangements in this code? Sixthly, there is now costly uncertainty as to the applicability of this code to existing projects. Seventhly, despite being a far-reaching regulation, no regulatory impact statement was prepared. Why not? I will come to that again later.

Eighthly, the code mandates compulsory arbitration, something that the Fair Work Act specifically does not mandate. Indeed, compulsory arbitration was specifically ruled out by Ms Gillard as the workplace relations spokesperson before the 2007 election. We will now, as a result, have some enterprise agreements approved and made under Labor's Fair Work Act by the Fair Work Commission which will not be code compliant.

Ninthly, there is uncertainty and confusion in the building sector because builders are now either Victorian state code compliant or Commonwealth code compliant; it is impossible to be compliant with both codes. Therefore, they are only able to tender either for state work or for Commonwealth work. But, as we all know, there are such things as jointly funded projects. So how does that work? Nobody knows because of the indecent haste with which this was rushed through.

Tenthly, the code allows for even wider right-of-entry provisions than the Fair Work Act does. This is on the back of a promise made by Ms Gillard before the 2007 election that there would be no change to the right-of-entry laws. We know that the Fair Work Act expanded the right-of-entry laws in direct breach of that promise made by Ms Gillard. If that were not enough, this Building Code now expands those right-of-entry provisions even further. So strong was Ms Gillard in her stance before the 2007 election that there would be no change to the right-of-entry laws that she said at the National Press Club that she was willing to write it in blood and even that they could take her mother hostage. So much for her mother and what she thinks of her! But the simple fact is that, despite all those protestations by Ms Gillard, she broke that promise to the Australian people. Of course, having broken that promise, it was so very easy then to also make the 'no carbon tax' promise and break it and so many other promises. That has now become the distinguishing feature of this government—namely, broken promises.

Eleventhly, there was no regulatory impact statement because the Office of Best Practice Regulation deemed none was necessary. That is a pretty good out for the government, you would have thought, but for one simple fact: when the Office of Best Practice Regulation was queried about why they came to this determination, they said, 'That is how we were advised by the government—that it was going to have hardly any impact at all and therefore it was not necessary.' So this wonderful Office of Best Practice Regulation simply relies on what the government says to it. For what it is worth, I have written to the Office of Best Practice Regulation setting out all the significant changes, uncertainty and confusion. For them to put their name to a document saying, 'There's not much of a
change here, so there is no need for a regulatory impact statement, 'unfortunately has embarrassed them by any objective standard. The government cannot hide behind the statement of the Office of Best Practice Regulation because it would be like relying on what they themselves have said. There was not a genuine independent assessment by the OBPR.

Twelfthly, to round out a dozen very good reasons as to why this regulation should be disallowed, the need for an effective code was spelt out by the Cole royal commission, which exposed illegality, thuggery, intimidation and lawlessness in the building and construction sector. It heard from many, many people—workers and contractors—about the illegality, thuggery and intimidation.

And I say to those opposite: you did not have to rely on the Cole royal commission to understand that that happens; all you had to do in recent times was take yourself to the centre of Melbourne and see the Grocon dispute at the Myer Emporium building site, where thugs were not only bashing policemen but also bashing police horses, in circumstances in which the workers—who were CFMEU members—were reduced to taking out an advertisement in the Herald Sun newspaper to plead with their union bosses to stop intimidating them, because they had no problem with their employer. They were satisfied with Grocon; they thought they were being looked after appropriately by Grocon. They had no problems with Grocon. Yet the CFMEU set up a picket and used thugs to intimidate their own members. So you do not need a Cole royal commission to inform you that there is thuggery and intimidation going on.

And, might I add, this picket, this thuggish behaviour, was occurring in circumstances in which the Supreme Court of Victoria had already placed an injunction on the CFMEU ordering them to desist from the picket. So, it was an illegal picket to boot—a breach of the law, lawlessness. Yet what does the Labor Party do in the face of all this evidence? First of all it abolishes the Australian Building and Construction Commission and replaces it with this absolutely lame and weak building inspectorate. But Ms Gillard promised that we would have a tough cop on the beat nonetheless, despite the fact that its powers were diminished and the penalties were reduced. Then last night we had a situation in which this weak and lame building inspectorate had a further $24 million ripped out of it. So Ms Gillard, who says, 'No change to right of entry,' who promises, 'We will not have compulsory arbitration,' who promises that there will be a tough cop on the beat, simply breaks promise after promise. No wonder she could say with such a straight face to the Australian people, 'Oh, I didn't lie about the no-carbon-tax promise.'

Well, the Australian people are waking up to this Prime Minister and this government. Her words and their words mean nothing. They are willing to say and do anything, and this government is only being kept in power because of the likes of the member for New England, Tony Windsor, and the likes of Mr Oakeshott, the member for Lyne, who represent electorates that would be horrified to learn that they are supporters of a government that has gutted the Australian Building and Construction Commission, that has reduced by $24 million the funding to the now weak and lame building inspectorate. But it is Mr Windsor and Mr Oakeshott, along with the Greens, who are keeping this government in power—this government that breaks promise after promise without any compunction whatsoever.

In the past there was a party called the Australian Democrats represented in this
place. They had a motto, courtesy of their founding leader—the former Senator Don Chipp—to 'keep the bastards honest'. Well, the Greens and Mr Windsor and Mr Oakeshott are keeping them dishonest. They are allowing the Labor Party to get away with this dishonesty. So let us have no pretence that this Mr Windsor and this Mr Oakeshott come to the political debates and the policy debates in this place with clean hands. They know that, each and every day, they are voting to sustain this dishonest government, this government that is giving succour and comfort to the extreme leadership of the CFMEU, in the state of Victoria, which breaches Supreme Court injunctions, has illegal pickets and is intimidating its own membership—intimidating workers who want to get to worksites—because of its industrial agendas.

But what else would you expect from a Labor government that has as its Minister for Employment and Workplace Relations a man who cannot bring himself above and beyond the task he used to have—namely, that of being a trade union boss. I have said before and I will say it again: we all have our backgrounds that we bring into this place, but when one accepts a commission from Her Majesty to be a minister of the Crown you have to rise above it, you have to act in the national interest. There is no doubt that Mr Shorten is unable to do so. That is the legacy of this minister. A minister who is the most partisan workplace relations minister this country has had since Eddie Ward, who was a former Labor minister in this particular area.

This is a building code that is designed to give succour and comfort to the CFMEU. This is a union that has secretly bankrolled all sorts of organisations, including GetUp!. Were union members ever consulted about that? No. This same union, and Victoria Trades Hall, has said to Mr Shorten and the Labor government, 'You bring in compulsory arbitration before the election or we'll consider not bankrolling the marginal seats campaign for the Labor Party.' It is quite clear that, in those circumstances, Mr Shorten and this government always give in to the demands of the trade union bosses rather than doing what is in the national interest.

When Labor established their inspectorate they promised that it would be strong, that it would enforce the rule of law. Well, where was it at the Grocon site, the Myer Emporium site? Where was it at the Queensland Children's Hospital dispute, where for eight weeks no work was done on a site publicly funded to look after the health needs of the children of Queensland? Mr Shorten could not bring himself to say anything about that dispute, or visit. He could take himself up to Queensland to condemn the Newman government, but he could not bring himself to visit that site and condemn what was occurring.

What about the Little Creatures dispute or the City West Water, Melbourne dispute? The list goes on. In an environment where we have an ever-increasing number of days
lost due to industrial action in this sector we see the government demolishing the Australian Building and Construction Commission and putting in this lame, limp inspectorate, then ripping out a code and trying to replace it with something that is basically a bill of rights for trade union officials. And then last night, this lame, limp inspectorate lost $24 million of funding to ensure that, just in case there was any life left in this toothless mouse, the building inspectorate, it would be squashed out of it. Roughly 20 per cent—18 per cent, to be exact—of its funding was cut in last night's budget.

Yet the government pretend, 'We are firm on this; we want to see the law enforced.' Are they honestly saying to the Australian people that this inspectorate—weak, lame and limp as it was—can still do all that it is required to do with $24 million less? Of course not. I begs the question: why did you waste that $24 million in the first place if they never needed the money? Here we have the government in a dilemma of their own making, because their members speak out of both sides of their mouths. They speak with forked tongues on this issue. They cannot be trusted on this occasion, as on so many other occasions.

I have outlined 12 reasons as to why this disallowance motion should be supported. And, might I add, each one of the 12 reasons that I have stated, of itself, is sufficient to disallow these regulations.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (17:42): Senator Abetz's purported 12 reasons are not at all convincing. But why would we let the facts get in the way of a good story? Some senators here, I am sure, will recall someone who was, without doubt, the most partisan workplace relations minister in Australia's parliamentary history: Peter Reith. Senator Abetz refers to lies and forked tongues. I would refer senators to the waterfront disputes and the dogs on wharves. I would also refer senators to the 'children overboard' affair and Minister Reith's role there, when in a different portfolio to workplace relations. He certainly had a pattern of bad behaviour and is, without doubt, the most partisan workplace relations minister we have ever seen.

But the opposition have suggested that there is a militancy problem. They have also suggested that there is a flexibility problem and a productivity problem, to justify taking the Australian people back to the Dark Ages on workplace relations, although most recently Mr Abbott has sought to conceal that that is the real agenda of the opposition.

We know that the first rule of Liberal politics is not to let the facts get in the way of a good story, and that is exactly the case here. So let's run through the facts of what has happened in this area under this government, to get some clearer context. Over 960,000 jobs have been created since Labor came to office—that is, 490 jobs a day for Australian workers. And we do not apologise for prioritising jobs for Australian workers whilst keeping the economy strong and growing.

Productivity growth is superior to what it was under Work Choices. Labour productivity grew by 2.9 per cent in the year 2011-12, significantly above the 2.2 historical average since 1994-95. Productivity growth under the Fair Work Act is around triple—I stress: triple—the rate experienced under the former coalition government's disastrous Work Choices legislation. Work Choices was an example of the kind of slash-and-burn, irresponsible
approach that we would return to if the opposition were elected.

Let's look at another area where myths are perpetrated by this opposition: industrial disputation. ABS data shows industrial disputation is down under this government. The opportunistic, short-term comparisons, the cherry-picking, of the opposition has missed the big picture—that industrial disputes have been trending down strongly over time. Despite quarterly fluctuations in data, industrial disputation rates continue to trend downwards from the highs seen during the Howard years. They are now around one-third the rate on average we saw under the Howard government. Importantly, in the building and construction industry—the industry pertinent to this disallowance debate—the rate is on average less than one-fifth of the rate we saw under the Howard government.

Just as those opposite may be uncomfortable with the facts I have just referred to, they are likely to be uncomfortable with the facts about the building code. There is nothing at all new around Commonwealth funds attracting Commonwealth guidelines. Those opposite know that there is nothing new about the Commonwealth setting these rules. Those opposite know there is nothing wrong with the Commonwealth setting the rules about how its money is spent. Ever since the National Code of Practice for the Construction Industry and the implementation guidelines were issued back in 2005, the Commonwealth has set rules applying to Commonwealth funded building work. So what a crock for Senator Abetz to suggest that inconsistency with the Victorian code is something that we should be responsible for—what an absolute crock!

Let's look at the code itself. The code is simple. It sets out the Australian government's expected standards for all building contractors or building industry participants who have been or wish to be involved in construction projects that are directly or indirectly funded by the Australian government, subject to certain financial thresholds. The building code commenced on 1 February this year. It is based on the most recent versions of the Commonwealth's implementation guidelines, which were released in May 2012. This was not rushed. May 2012—that is quite a long time ago.

The introduction of the code presents for the first time a single set of arrangements for contractors and building industry participants that wish to undertake Commonwealth funded work. The capacity to make a legislative instrument like the building code has been included in building industry legislation since the Howard government's 2005 legislation. But, strangely, it had never been used—despite all the rhetoric and ideology you hear from the other side, despite a legislative code being recommended by Justice Murray Wilcox when he reviewed the Commonwealth's building industry regulatory framework and despite employer and employee groups agreeing in their submissions to the Wilcox inquiry that a statutory code was a good thing.

Our building code requires compliance with the law. The code promotes the rule of law in the construction industry, and the minister is supporting the rule of law, despite some of the glib references made in Senator Abetz's contribution. The government is crystal clear on this fact—everyone should comply with the law. The code requires businesses who have tendered for work to which the code applies to comply with all relevant laws, including, for example, laws concerning right of entry, good-faith bargaining and freedom of association. In
addition, the code requires contractors and building industry participants to comply with any decisions, directions or orders made by a court or tribunal which applies to them.

This builds on the work of our building industry regulator, Fair Work Building & Construction, an agency which, despite Senator Abetz's comments, is more effective than its highly politicised predecessor. Let me give you one example. The Liberals like to refer to the Grocon dispute—Senator Abetz certainly does. But Fair Work Building & Construction commenced civil proceedings under the government's fair work building laws within six weeks, and that was after thoroughly investigating that event. In comparison, it took the ABCC over six months to file a statement of claim in the Westgate dispute—a very stark comparison.

The government is committed to ensuring Fair Work Building & Construction is resourced to operate effectively, ensuring strong and appropriate regulation of this important industry. Our building code means simpler compliance for contractors. There will be less red tape for those contractors. Previously compliance with different iterations of the implementation guidelines was required. This meant that a contractor working on different projects commencing at different times would have been required to comply with different versions of the implementation guidelines that applied at the time of each project. Under the Building Code 2013, in relation to existing projects a contractor or participant who is compliant with an applicable past guideline will be treated as being compliant with the code. They do not have to take any further action in respect of their current arrangements. The code also cuts red tape by allowing building contractors and industry participants to more easily demonstrate compliance with a range of requirements, including the Fair Work Act and other legislation.

Building industry codes of practice instituted by Liberal state governments on ideological grounds following the Howard government example do not make life simpler for contractors in the building and construction industry. Instead they create confusion, complexity and legal uncertainty for industry participants. For example, the Victorian code implementation guidelines contain provisions that relate to matters already regulated by the code, by the Fair Work (Building Industry) Act and by the Fair Work Act. Whether the application of the Victorian government's guidelines and their implementation constitutes a breach of the Fair Work Act is currently the subject of two separate proceedings before the Federal Court. Those proceedings relate to important community projects such as the Bendigo Hospital redevelopment in Victoria. This does not provide simplicity or certainty for employers or contractors. It does not assist in progressing very important projects, nor does it ensure a strong building sector if key players are excluded for no other reason than this ideological vendetta that the Liberal Party continues, in the past at the federal level but now at the state level.

This motion and this debate show that the opposition will do anything and say anything on workplace relations matters. This is why I was interested to take it right back to the pattern of behaviour demonstrated by Peter Reith when he was the minister. As I said at the outset, they will never let the facts get in the way of a good story—never have, never will. They never let a good policy gets in the way of their ideology either. We saw it with Work Choices and we see it here and now. For these reasons, the government opposes this motion.

Senator WRIGHT (South Australia) (17:53): The Australian Greens have a straightforward, principled view when it comes to protecting people's rights at work.
The Greens know that workers are under pressure, that many are working longer hours than they would like and that many work in dangerous workplaces. The Greens know that there are those who would seek to take away these rights and to say that someone should have less rights than an accused criminal simply because of the industry that they work in. So our principled view is this: the Greens will always protect people's rights at work, and we believe people should enjoy equal rights whatever industry they work in.

What is clear though is that the coalition's ideological vendetta against building workers continues. Last week, we heard that they will seek to reinstate the industrial secret police in the building industry, the Australian Building and Construction Commission, which will remove the right to silence and allow people to be subjected to secret interrogations—less rights than accused criminals. Today, we see another attempt to strip away minimum protections.

The code which the coalition seeks to disallow sets out some minimum standards for construction work in this country and they are standards that should be preserved. Of course, the coalition had its own code when it was in power. That was a code which effectively controlled what could and what could not be in workplace agreements. The coalition, which routinely argue for freedom of choice and letting the market decide, were actually the first ones to use their power to step in and dictate what workers and employers in construction could and could not bargain about. The current code provides at least some level of protection for those in the construction industry.

It is a great shame that we are a few weeks before the end of this parliament and Labor still has not yet seen fit to fully get rid of John Howard's workplace laws. The Greens would like to see the rule of law applied fully and fairly to all workers and the last vestiges of the coalition's laws repealed. You can trust the Greens to stand up for what is right and to protect people's rights at work. If the polls are right, we are heading for an Abbott government in September. Heaven help us if they control both houses of parliament. Today shows that the only way people can protect their rights at work is by having Greens in the Senate.

Question negatived.

BILLS

Referendum (Machinery Provisions) Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.


The ACTING DEPUTY PRESIDENT (Senator Crossin): The question is then that the second reading of the Referendum (Machinery Provisions) Amendment Bill 2013 be agreed to.

The Senate divided. [18:02]

(A The Acting Deputy President—Senator Crossin)

Ayes .................35
Noes ....................29
Majority..............6

AYES

Bishop, TM
Cameron, DN
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML

Brown, CL
Carr, KJ
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
AYES
Hanson-Young, SC  Ludlam, S
Ludwig, JW  Lundy, KA
Marshall, GM  McEwen, A (teller)
McLachlan, J  Milne, C
Moore, CM  Polley, H
Pratt, LC  Rhiannon, L
Siewert, R  Singh, LM
Stephens, U  Sterle, G
Thistlethwaite, M  Thorp, LE
Urquhart, AE  Waters, LJ
Whish-Wilson, PS  Wright, PL
Xenophon, N

NOES
Abetz, E  Back, CJ
Birmingham, SJ  Boswell, RLD
Bushby, DC (teller)  Cash, MC
Colbeck, R  Edwards, S
Eggleston, A  Fawcett, DJ
Fierravanti-Wells, C  Fifield, MP
Heffernan, W  Humphries, G
Johnston, D  Kroger, H
Macdonald, ID  Madigan, IJ
McKenzie, B  Nash, F
Parry, S  Payne, MA
Ronaldson, M  Ruston, A
Ryan, SM  Scullion, NG
Sindonis, A  Smith, D
Williams, JR

PAIRS
Bilyk, CL  Brandis, GH
Carr, RJ  Mason, B
Conroy, SM  Bernardi, C
Hogg, JJ  Joyce, B
Wong, P  Boyce, SK

Senator Cormann did not vote, to compensate for the vacancy caused by the resignation of Senator Evans.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator HUMPHRIES (Australian Capital Territory) (18:05): I want to pose a number of questions to the minister about this legislation. Before the end of the second reading debate on this legislation I was saying that the Australian people are confronted with the mechanics of a referendum being engineered for September this year where there are many unusual and, some might say, unsatisfactory elements and where we are confronted with an increasing possibility, indeed a likelihood, that because of the problems associated with this process the referendum itself, the proposal to amend the constitution to provide for recognition in the Australian constitution—

The TEMPORARY CHAIRMAN (Senator Fawcett): Can senators on my left who are not participating in this debate please leave the chamber or resume your seats quietly.

Senator HUMPHRIES: The problem here is that we have a referendum being set up to amend the Constitution in circumstances where one does not need to be especially cynical to come to the view that the entire exercise is designed to produce a rejection by the Australian people of the proposal.

Senator Jacinta Collins: That is not true.

Senator HUMPHRIES: If you want to put money on this succeeding, Minister, I would be very happy to take your wager.

Senator Jacinta Collins: Sort out your own divisions.

Senator HUMPHRIES: Haven't we got a revealing interjection there—'Sort out your internal position.' It begs the question: why is the government putting forward to the Australian people a referendum question which it knows in its heart of hearts is almost certain to fail. Why? Because it has other reasons for putting this forward. The reasons are to do with creating distractions and engineering wedges. That is what this is all about. That interjection from the minister was very telling in that respect.
Senator Jacinta Collins: Don't verbal me, Gary.

Senator HUMPHRIES: Well, if you are serious—

The TEMPORARY CHAIRMAN: Minister, Senator Humphries has the right to be heard in silence when he is on his feet, and Senator Humphries you will not respond to interjections.

Senator HUMPHRIES: I acknowledge your admonition, Mr Chairman. I put it to the Senate that there must be a reason that the government is proposing to run a referendum campaign at great expense when it knows that its chances of success are very limited. The reasons are entirely political. I mentioned cost a moment ago. I would be interested if the minister could provide the Senate with any information about the likely cost of this referendum to be held in conjunction with the election in September of this year. I note by way of background that the referendum conducted in 1988 to amend the Constitution was conducted at a cost to the Australian taxpayer of almost $35 million. But a decade or so later, when a referendum—also a freestanding referendum, not in conjunction with an election—was held on whether Australia should become a republic, the cost of the referendum had escalated to almost $67 million. I think it would be fair to assume that the cost of a referendum this year could be approaching $100 million.

But of course the details of how that cost might play out are made more complex by the government's amendments to subsection 11(4) of the act, which apparently provide a capacity for the Commonwealth to spend money in relation to the referendum disproportionately between the yes case and the no case. Some indication of the extent of that disproportion between the yes case and the no case might give us a clue as to what the total cost of a referendum of this kind might be. Given that we are talking here, in relation to this Referendum (Machinery Provisions) Amendment Bill 2013, about provisions that will be unique to the referendum of 2013, I think the specific questions about the referendum would be appropriately answered by the minister at the table, Senator Collins.

So I put it to the Senate what I think any reasonable person with a little knowledge of this matter would suppose, which is that the government has motives for wanting to put the Australian community to the cost and trouble of a referendum with a price tag of perhaps $100 million other than simply amending the Australian Constitution to recognise local government. As a person with a background connected with local government, as I detailed earlier today, I can see the reasons for such a clarification of the status of local government within Australia's constitutional arrangements. But I cannot see how the government is advancing that proposition by the confused case it is putting to the Australian people for action in this way, underpinned by the legislation the government is putting before the Senate now.

So I ask the minister to answer those questions and clarify once and for all the bona fides of the conduct of this referendum. And I invite the minister, if she wishes to, to back up her claims here by making a quiet wager about what she actually thinks is going to happen in this referendum. I somehow doubt much is going to hang on that question at the end of the day.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:12): While listening to Senator Humphries go through some of the other questions he raised I was
reflecting on what he said at the outset. I must admit I am disinclined to respond to—and surprised by—such relatively cheap retorts coming from Senator Humphries. He is claiming that this is just about a wedge, that it is just a political exercise and, indeed, that it is a 'confused process'. Senator Humphries is well aware of the very clear process that this has been through—the inquiries involved, the detail of what is being considered. Indeed, some of those issues will I think be addressed when we look at the amendments that have been circulated in relation to this legislation.

With respect to Senator Humphries's questions about cost, I can indicate that it is reasonable to expect that the cost involved will be roughly comparable. Some of those details are still being worked through. The question of the split of the funding between the yes case and the no case also fits within that category, but I am not aware of any indication that decisions around that split are going to have significant cost implications—which did seem to be implied by Senator Humphries's question.

Senator RYAN (Victoria) (18:14): I have a couple of questions about the bill that I would like to pose to the minister before I move my first amendment. The explanatory memorandum to the bill reads—and it is quoting from recommendation 11 of the report of the House of Representatives Standing Committee on Legal and Constitutional Affairs in 2009—on page 2:

“The Committee recommends the Australian Government introduce amendments to remove the current limitation on spending imposed by section 11(4) of the Referendum (Machinery Provisions) Act 1984 (Cth) and include provisions to ensure that spending is directed to referendum education and to equal promotion of the Yes/No arguments.”

Subsection 11(4) generally limits the capacity of the Commonwealth to spend money in relation to a referendum other than on the production and delivery of the Yes/No pamphlet.

Those are both statements of fact. The EM goes on to say:
The Bill implements the Government response to Recommendations 3 and 11 by:

- amending section 11 of the Referendum Act to substitute a requirement that the Yes/No pamphlet be sent to each address on the electoral Roll for the current requirement that the Yes/No pamphlet is posted to every elector—

which is a reference to recommendation 3, but with recommendation 11, which I just quoted—

- temporarily suspending the operation of subsection 11(4) of the Referendum Act.

Recommendation 11 was quite explicit. In fact, the last words in it were 'equal promotion of the yes/no arguments'. So how does this bill implement that part of the recommendation, when all this bill does is lift the prohibition on Commonwealth government expenditure? It does nothing at all whatsoever, does it, to ensure equal promotion of the yes and no arguments?

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:15): My understanding is that the wording there exactly reflects the suspension that was applied in the 1999 case.

Senator RYAN (Victoria) (18:16): That is an interesting example. The difference in 1999, as I outlined in my speech in the second reading debate, was that in 1999 there was a separate appropriation to fund an education campaign and a yes campaign and a no campaign. It was a different sort of environment, as I outlined. There had been elections for convention delegates and a long convention held at Old Parliament House. I
will go on to some questions specifically about the campaign proposed by the government, but that is the first issue I wanted to raise in response to that. This is not dealt with in the same way as 1999, because, as I understand it, there is no proposed appropriation for yes and no campaigns.

In the budget brought down last night in the other place—

Senator Jacinta Collins: And here.

Senator Ryan: It was tabled here, technically, I suppose—as an expenditure measure in the Department of Regional Australia, Local Government, Arts and Sport, there is the referendum on the financial recognition of local government in the Australian Constitution. The appropriation for the Department of Regional Australia, Local Government, Arts and Sport is $1.1 million this year and $10.5 million next year. The description is as follows—taking the AEC part out of it, because I think we are all clear on what that funding is for:

... the Department of Regional Australia, Local Government, the Arts and Sport will receive $11.6 million to undertake a national civics education campaign to provide information to the general public on the referendum and reform process.

Does the minister have any more details around what sort of campaign that will be? Who is it aimed at? What will it be saying? I am unclear as to whether it is going to be a campaign that is advocating for a particular position or whether it is going to be a classic civics education program that proponents and opponents of the proposal at the Commonwealth and state levels would have no problem with. Is there any clarification on that at all, or can the government give a guarantee that it will purely be a civics education program as opposed to advocating one side of the argument or the other?

Senator Jacinta Collins (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:18): I think the difference is perhaps not quite as clear as the senator proposed there. Certainly we will be looking at a broad education campaign, but a component of that campaign will be a position where the government seeks to advocate that there are strong benefits in accepting what is proposed in this case. If I recall, the senator was asking some other questions in relation to more details about the actual funding allocations, but, as I think I indicated to Senator Humphries, some of that detail is still being worked through.

Senator Ryan (Victoria) (18:19): Just to clarify: part of this proposed appropriation, and therefore one of the reasons we are debating the suspension of this provision of the Referendum (Machinery Provisions) Act 1984, is to facilitate the Commonwealth advocating its preferred view in this campaign. I am assuming that, because it is not the government's view, it does not plan to fund an alternative view, whereas in 1999 there was public funding for a yes campaign and a no campaign. In 1988 there was no public funding for any campaign, I understand. It did end up in the High Court, if my memory serves me correctly—I was a bit younger then. The publicity that the Commonwealth was able to fund was limited to, effectively, the yes/no booklet. I just want to achieve real clarity around this. I think this is a critical point in debating this particular provision.

Senator Jacinta Collins (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:20): The advice I have is that some of the considerations around the promotion of a yes campaign and
a no campaign reflect, in part, the debate that occurs in the parliament and the nature of support indicated in the parliament itself around the proposition. Looking at the progress of this matter as it stands, I think that there is fairly clear support for a general civics education type campaign, where the government in that context promotes the benefits of the change to the Constitution and why we recommend it, but how the yes and the no propositions will be supported will in part be determined by representing the nature of the debate that occurs here.

Senator RYAN (Victoria) (18:21): Minister, if what you are referring to is the booklet, my understanding of the operation of the referendum act is that, where there are people who vote against it in the parliament and a yes/no booklet is produced, as is normally the case in such a situation, the act—and I think it is section 11—outlines that the yes case is submitted by a majority of those who voted in favour of the constitutional amendment proposal and the no case is submitted by a majority of those who voted against the proposed constitutional amendment in the parliament. Then the AEC commissioner signs off on it and the AEC produces the particular booklet. That is the production of the yes/no booklet. No-one is questioning that. That is a longstanding practice. I note that some people seemed to devalue it in the earlier debate, but I think the processes around doing that are basically over a century old. There is not much doubt about that.

Minister, when you talked about the preparation of the yes and no cases there, you alluded to reflecting the debate in the parliament. As far as I am aware, that is the only mechanism that reflects the debate in the parliament. What we were presented with last night was an appropriation for the Department of Regional Australia, Local Government, Arts and Sport of $10.5 million, of which $9.5 million is administered expenses and just under $1 million is departmental expenses. What I am seeking clarification on is: is that, or any portion of that, going to be used for advocating a position? I got the impression, from what you said, that it will be—that we will be advocating, effectively, a yes position. I am assuming, and I am happy to be corrected, that the government has no intent of providing similar resources for people—whether they are in this place or elsewhere—who would have a different view. I am just seeking a factual response to that issue.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:23): The senator refers to the process around the AEC's role with respect to the production of the booklet, but the principals involved there also will assist and guide us with respect to how we deal with any wider advertising campaign. The principles about a fair reflection of the nature of the parliamentary debate are here. That will be part of the consideration, in terms of how the funds that have been appropriated support a wider advertising campaign in relation to a referendum.

Senator RYAN (Victoria) (18:24): Minister, in that case, you are not willing to guarantee that it will be in any way like it was 1990, with effectively a level playing field, you might say, for particular yes and no cases with Commonwealth money. I appreciate that this situation is slightly different, but then who will be making this decision? Is it the minister? Because there is a lot of money here: $10 million buys a few ads and this government seems to know a bit about that. I am seeking clarification here, because it is clear that the money is mainly going to be used for education and
advocating the benefits of reform—I think that was the phrase that you used—which is effectively a yes vote. Who will be making that decision? Have any criteria been developed for how you will make that decision and—I cannot remember the exact words you used—will they assess or reflect the vote? Is it only a vote in the two chambers of parliament that you will be using as a measure for that? Will there be proportionality? One committee recommendation from the House, I believe from a long time ago, was for proportionality, but that has not been floated in this bill. So I am seeking clarity around the decision makers and the criteria, lest, as I think is becoming obvious, this be an appropriation to fund one side of an argument in a referendum.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:26): My understanding is that, as was the case in 1999, this is an issue of government prerogative. The minister, in consultation with other senior ministers, will weigh the factors around the issue. Yes, the parliamentary debate will be one of those, and the general community will be another element that assists those senior ministers in working out what is a fair and reasonable balance.

Senator RYAN (Victoria) (18:26): I understand—and I am happy to be corrected on the facts because I was not in this place then; I think you might have been, Senator Collins—that, unlike in 1999, due to the fact that these arrangements were dealt with after the form of the proposal was presented in parliament, we do not have the section 128 bill before the House or the Senate yet. But there was also an explicit arrangement beforehand. I agree that the yes and no cases were clearer, but it was not based on proportionality in parliament and it was not based on the media. There was a simple fifty-fifty divide between the appointed 'yes' campaign and the appointed 'no' campaign.

You are not doing that. There are no criteria that have been determined for the government to be measured against. It will be a ministerial decision. Australia is a sporting nation, Minister, and I do not think that trying to tilt the playing field is a good start in dealing with a referendum, as, historically, getting the Australian people to sign off on referenda in my view has been more difficult than most of the proponents ever realised.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:27): Senator Ryan does make the point that dealing with referendums has been a difficult and fraught process throughout our history. The decision for a fifty-fifty split was a decision of government. That is my understanding.

Senator Ryan: Yes, that was made clear.

Senator JACINTA COLLINS: The decision on this occasion—the government can make clear—will be a fair representation of the parliament's and the community's views as we approach this question.

Senator RYAN (Victoria) (18:28): I take this opportunity to move the first amendment standing in my name. I indicate that clause 4 will be opposed in the following terms:

(1) Clause 4, page 2 (lines 6 to 14), clause TO BE OPPOSED.

What we have just heard, in my view, confirms the coalition's view that the case has not been made to suspend this provision. I say that on a number of levels. It is fair to say that people on this side of the chamber have been more constitutionally
conservative. Most of the proposals to amend the constitution have come from the left of Australian politics. That reflects the fact that the Labor movement had no involvement in the Federation of Australia. There was only one Labor delegate at all the constitutional conventions; it was one of the great Liberal projects of the 19th century.

The constant wish of the progressive side to change our Constitution has led to various techniques, some of which are to keep putting up proposals and others of which are to have a lot going ahead on one particular day. Other techniques are to have them in conjunction with elections or take advantage of other opportunities.

I am not a person who thinks that the fact that only eight out of 34 referenda have succeeded is in any way a condemnation of our electorate or our constitutional process. It is a reflection of the will of the people. By their very nature, constitutional amendments proposed by the Commonwealth parliament have had a centralising tendency, and the constant wish of the Australian people has been to vote against such proposals. So if you keep putting up a proposal and the people keep voting no to it then the lesson is not that there is a problem with the process but that the people are saying no, no, no because they do not like what is being put up.

This is the third time this proposal is going forward generically. It is more akin to the 1974 proposal put forward by Gough Whitlam. It is true to say that on this occasion there is a greater degree of support across the parliament for the principle behind this proposal. There is, however, from this side of parliament a great deal of criticism of the process the government has used and there is scepticism about whether it has generated consent in the community and scepticism of the perceived need. In this particular case, the government is trying to suspend this provision, which I think we could call a fair play provision. It simply says that the Commonwealth cannot spend money on the referendum, arguing for or against, other than the booklet that is prepared by the proponents and opponents of the proposal.

Can I respectfully suggest to all the people who care passionately about this matter that this will not get the campaign off to a good start. This will not give the Australian people a sense of faith in the process, a process that the Labor Party has already failed at demonstrably by announcing it only last week, despite having a year to do so, despite bringing this bill in before we have even seen the other bill.

Some of my friends would call me a little bit obsessive about constitutional issues. I have studied these issues a great deal. I make this statement with all positive intentions: this is being put up for the third time—I think this will be the first time in the history of Australian referenda that something has gone up for the third time—and the Labor Party has shown itself to be lacking in mounting the case for change; there has been a lack of tilling the soil, of generating community need and explaining how this proposal fills that need. In a press conference held in Brisbane last week, the Prime Minister did not tell the coalition Premier—the only coalition Premier who had expressed support for the proposal—that she was going to do it. She did not tell the opposition spokesperson Senator Joyce that she was going to do it, and he has been an advocate for this. That betrays the agenda of this government, because if they were interested in success those are two of the first phone calls that would have been made. It is no secret that, at the state level, other coalition premiers are not supportive. So, given that bipartisanship is a necessary but
not sufficient condition for a referendum to pass, those would have been the two first phone calls anyone trying to generate support would have made. One of the great lessons from history is what happened in the 1977 referendum, where Malcolm Fraser worked with the Labor opposition to generate bipartisan support and community consent. That was the most successful referendum in Australian history.

The opposition moves this amendment for several reasons. It is unjustifiable to borrow more money to spend on ads for this campaign when we have a deficit of the size that we do. It is unjustifiable to do so when you are seeking to restrict the mailing of information for and against the proposal to individual electors. Do not come to us saying that you want to save $4 million on sending the only thing that an elector will get about this that is directly addressed to them and then say you want to spend $10 million on ads.

The history of referenda is: do not let people become cynical. From what we have heard tonight it is clear that the government will not give the commitment that John Howard gave in 1999 that the yes and no case would be supported equally. If there had been funding based on proportionality of parliament in 1999, I do not think it would have been fifty-fifty, given that the Labor Party were basically en bloc supporting the republic proposal, along with some coalition people, but John Howard knew, after having had years of debate and an elected convention putting forward a proposal—partly a pointed convention—that the fairest way to deal with it and the best chance it had was in people perceiving that it was fair.

The government propose to suspend the fair play provision of the referendum act and appropriate money, all in the same day and the same week basically, and there is no commitment that it will be fairly used. We do not have criteria for how it is going to be spent and we do not have key performance indicators to see if the campaign is working. As far as I am aware, there has been no commitment given to the opposition that they will be involved in this process, despite the express bipartisan support for the principle underlying this referendum. It is not going to do the case for change any good. Anyone who says otherwise has no awareness of the history of referenda in this country. You could spend four times this amount, but if people do not think it is a fair process then their natural protection of the Constitution will come through. In all seriousness, this amendment should be supported by the advocates in order to ensure that cynicism does not start.

Senator Rhiannon made a few comments earlier today about the opposition that I have to address. I have been as clear as I can about the motivation for this amendment. Nothing that we are doing today would preclude a further amendment next month if these criteria were met. But the fact that this government will not give any details around the criteria, the targeting, the spending, the content and the distribution is a sign that it is not interested in that. Senator Rhiannon tried to assign motives to the opposition for this. It is true that some members of the opposition have a different view. They should not be condemned for that. It is outrageous to condemn someone for exercising their judgement and what they think is in the best interest of their community and their country and their conscience in voting on any issue, let alone on a constitutional amendment. But there has always been a frustration from the other side of politics that politicians cannot do this. You can fix a pre-selection if you are in the Labor Party, you can do a deal with the Greens to get into government, you can guillotine 150 pieces of legislation, some of
which never had a word of debate uttered in this chamber, but the one thing you cannot do in this country is do that to the constitution. It has always frustrated you. I tell you now: if you think that you are going to address that by having an unlevel playing field, the Australian people will prove to you what they have proved to everyone else who does not engage them in constitutional reforms successfully. They will not support it.

To all the advocates—if any advocates are listening to this—I urge you to convince the government that this amendment is meant to strengthen the process, not weaken it, and that if this amendment fails, as I suspect it will, given what Senator Rhiannon said, then use every endeavour you have to prevent it starting the campaign unhappily only for the purposes of the proponents. That is an approach that in my belief—this is a prediction—will not lend this proposal any support.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:38): The government will not support this amendment. First up, I am not frustrated to work within the constitution and Senator Ryan's suggestion that that is so demeans this whole proposition. We could go to the layer below that and talk about who fixes what pre-selections in what party, but I think all of us in this place know that it is not a party-specific matter and indeed raising it in that fashion cheapens this very proposition. That said, I should stress that you can get behind the proposition and support it.

But let us deal with some of the detail that is raised with respect to this amendment. The Referendum (Machinery Provisions) Act 1984 describes the type of things that the Commonwealth can spend money on in the lead up to a referendum under section 11(4). In 2009 the House of representatives Standing Committee on Legal and Constitutional Affairs made certain recommendations in the report, A Time for Change: Yes/No? Recommendation 11 was that the limitation on spending be suspended. As the Legal and Constitutional Affairs Committee found in its 2009 report, the restriction on Commonwealth expenditure is a barrier to the development of a better and more effective referendum process. The amendments to subsection 11(4) implement this recommendation. This amendment is identical to the approach taken by the parliament in the last referendum in 2009 and, yes, there are some differences in the proposal but, that said, the approach taken is identical. This provision was wholeheartedly supported by the coalition when this was put forward by the very last referendum held.

Senator RYAN (Victoria) (18:41): The coalition is of the view that if there is to be spending there need to be criteria—caps that give people a sense of faith that the money is going to be spent appropriately and fairly. Nothing the minister said, I would contend, addressed the points I raised. Coalition members in the House of Representatives expressed a point of view on a committee report. I respect that, but I also disagree with it. The fact that there has been disagreement by some members of our party some years ago is not something that we shy away from. This was talked about in the first term of the Labor government and nothing was done. The Spiegelman committee came together and said, 'Here are all these problems you
havent dealt with.' They did not deal with them. They brought this up last week, the week before the budget, as another attempt to divert attention from their disasters—fiscal, financial and policy-wise. I am not going to have people who question the flawed process of this government be accused of not getting behind the proposal, as if we have to be some mindless daleks or drones and do everything this government says. I know some of the passionate advocates for this proposal on my side of the chamber would have done it so much better than the people in government at the moment.

The prospects for this referendum are statistically not so great. I cannot remember the last time that a referendum was successful on a day it was held conjointly with an election. The last two successful referenda were 1977 and 1967, neither of which were election days. That takes in beyond my lifetime, and, if I can recall correctly, Sir Robert Menzies, who I note passed away 25 years ago today, put only one referendum in his time, in 1951. We are almost back to the era of Chifley at that point, but my memory does not go back that far. Senator Collins, the government wants to bully people when they provide advice or respectfully disagree on the process so it is not only the way you have done this bill or the way you have failed to lay the groundwork or the way you have failed to engage with the states—important stakeholders—or the way you continually fail to engage with the opposition, as you did last week but it is also this additional barrier you are putting in the way of success for this proposal.

Progress reported.

BUSINESS

Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (18:45): by leave—I move:

That consideration of government documents be postponed and that government business continue until 7.10pm.

Question agreed to.

BILLS

Referendum (Machinery Provisions) Amendment Bill 2013

In Committee

Debate resumed.

The CHAIRMAN (18:45): The Committee is considering clause 4, amendment (1) on sheet 7384. Senator Rhiannon, you were seeking the call earlier. Do you wish to seek the call again?

Senator RHIANNON (New South Wales) (18:46): Yes, Mr Chairman. Could you please explain what just happened? I have never seen that process.

The CHAIRMAN: Certainly. The government has just moved for an extension of time to consider this bill, I presume in the anticipation of completing the bill before we rise this evening. To do that we had to move out of committee stage, and now we have moved back into committee. That is how I get my exercise for the day!

Senator RHIANNON: So we are back to where we were?

The CHAIRMAN: Exactly, we are back to where we were but we had to go through that formality, otherwise the debate would have expired at 6.50pm.

Senator RHIANNON: Thank you for the explanation, Mr Chairman. I was
interested in the comments made earlier, particularly by Senator Ryan. I am not doubting his passion and his interest in the constitution, but what we have here tonight is a whole number of excuses being used. There are heavy spoiler tactics going on around this important legislation. We have heard many comments being made—concerns about the constitution, the need for good process, the need for a commitment to ensure the machinery really works. But when you listen closely to what has been said, and when you remember how it played out today—initially there was only one speaker from the coalition and one from the Labor government, because this was supposed to be noncontroversial legislation—there was clearly an agenda going on. Yes, anybody can come in here and speak. It is one of the wonderful things about our parliaments in Australia. As Senator Ryan said, all of his party members—like all of us—are entitled to their opinion. But what we saw today in so many of the comments from the coalition was very worrying for a party that states that there is bipartisan support for this bill.

We are starting to see various guerrilla tactics going on here—throwing bombs out to be very disruptive about this important process to get the machinery in place for this referendum. We are running out of time. The process has not been perfect, but what is going on here is very troubling. To take just one of the arguments that Senator Ryan sets out, on the one hand he says that they want to spend $10 million on taking forward the campaign for the two cases but then on the other hand he says not to expect them to say, 'Well, that has saved $4 million'. Isn't that being responsible? There is a clear contradiction in how that is argued. Surely that is actually improving the management of this budget. Then we hear the senator again trying to justify his position by arguing that we have not got details of the criteria or the caps. I started thinking that the next thing would be him wanting to know what papers the advertisements would appear in, or how big the leaflet would be—would it be a DL or would it be an A5? He was getting down to a level of detail that is clearly a spoiler tactic.

I think the question that Senator Ryan needs to answer here is: what will he be saying when this campaign on the referendum gets going? Is he still going to be running a spoiler campaign? Is he going to say: 'Well, it was not done properly. We had this discussion in the Senate, the legislation was rushed and the machinery wasn't any good.'? Nothing is perfect in this world. Is he going to get up there and follow through on the supposed bipartisan commitment that we sometimes hear coming from the coalition? From the sum of the comments I have heard from coalition senators today, I certainly did not feel confident that any of them would be following through with that message. I found it interesting that few National Party senators spoke on this issue. My guess is that they are hearing from their constituents that their constituents really want it. But it looks like the message coming from the majority of the coalition is to be disruptive on this at all costs.

This is not perfect but we have a chance here and, Senator Ryan, you know we can get this through if the coalition would take a tripartisan, multi-party approach to this. Let us get this through, let us get out in the community and get this done. We have the opportunity and we should not ruin it.

**Senator Ryan** (Victoria) (18:50): I would like to briefly respond to some of the comments made by Senator Riannon impeaching my colleagues for coming in and speaking on this today. Let us go through the time line of how this bill got here. Did the speakers list change? Of course it did,
because at 9.25am today we were advised that this bill was coming on straight away. We were advised late last night—after the government had rammed it through the House of Representatives in the hour before the House rose for the budget—that this bill was going to come on today after two other bills. At around 9.10am or 9.15am, we were told that it was coming on first, and then—during prayers!—we were told that it was coming on straight away, not even at 10 o'clock—first thing! Senator Rhiannon, if you want to impeach Senate colleagues for having the gall to speak on a constitutional amendment when the opposition was given minutes notice to speak on it, then that betrays your particular values. They are further betrayed by you describing people daring to oppose a motion as troublemakers.

The opposition has said that in principle the coalition supports putting beyond doubt the ability of the Commonwealth to make payments to local governments, but we have also said the Gillard government—I suppose in this case the allies—has failed to prepare the ground for this referendum and, so typical of this government, everything is rushed out at the last minute to generate a headline rather than a result. We saw that last Thursday when a phone call was not even made to the two most prominent coalition supporters of this proposal. Even when in Campbell Newman's home state, in his capital city, a few hundred yards from his office, the Labor Prime Minister did not make a phone call to him—and Campbell Newman has written to her advocating support for this.

We are not going to be distracted from the key task on 14 September—the referendum that is really going to be a referendum on this government. We will not oppose this legislation because in the end the people do have a decision to make and, quite frankly, there will be some coalition MPs and senators who express a different view. As I said previously with respect to this amendment, if the proponents try to use this as a political attack on the coalition because there happens to be a couple of members who express a different public view, then they are only doing their cause a disservice.

If they want to make the level playing field uneven—I am providing advice here, Senator Rhiannon—the coalition will not try to corral people who have a genuinely held, different view on this issue, and nor should we. The government has put more effort into legislation for tax laws amendment bills and that is the process that is weakening this. I assume the amendment is going to fail but, in all good faith, I think it shows the weakness of the process this government has used.

The CHAIRMAN: The question is that clause 4 stand as printed.

The Committee divided. [18:58]

The Chairman—Senator Parry)

Ayes .................35
Noes .................28
Majority..........7

AYES

Bilyk, CL
Brown, CL
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Xenophon, N

Bishop, TM
Cameron, DN
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Waters, LJ
Wright, PL

CHAMBER
Senator Cormann did not vote, to compensate for the vacancy caused by the resignation of Senator Evans.

Question agreed to.

Senator RYAN (Victoria) (19:00): In reference to the amendment we have just dealt with, I have been informed that Senator Wong referred to that amount of money as the LGA grant a few minutes ago on television. I am not sure if that provides any extra clarity for the government to be able to give answers. I am led to believe, although I was not a witness to it, that Senator Wong also conceded on air that equal funding should be given to proponents and opponents. I am not a witness to that and I am happy to be corrected, but that is the message I have received, which I thought might inform the house of, given the debate we just had. The opposition oppose schedule 1 in the following terms:

(2) Schedule 1, items 1 to 3, page 3 (lines 4 to 21), items TO BE OPPOSED.

This amendment concerns the distribution of what is simply known as the yes/no booklet. This booklet has a history in this country and this booklet is a century old. It was conceived in 1912 to inform electors of the arguments for the yes and the no cases in amending our constitution. I cannot understand why on earth the people on the other side of this chamber and their Green allies are so desperate to stop the booklet going to each elector. I have never heard such a contrived excuse as saving money from this government when it just voted to spend $10 million on an advertising campaign. I notice that Senator Rhiannon said that the combination of these two measures improved the budget. Only the Greens could say that saving four and spending 10 improves the budget.

This booklet is prepared by a majority of the people who voted yes in the parliament and by a majority of those who voted no in the parliament. It gets mailed to every elector, and I think it is fair to say that we all, maybe, open mail that looks more official rather than something that might come in a plastic envelope and says, 'To the household'. The government stood up here and preached about the need for information to voters and how an advertising campaign was so important to this referendum, yet it is doing everything it can to stop a very simple booklet going to voters.

The Attorney-General in the other place yesterday seemed to imply that these changes were necessary to enable use of the internet. He said to the opposition spokesperson, Mrs Bishop:

By that, I mean the use of the internet—which perhaps the member for Mackellar has now discovered …

In the typical dismissive and sarcastic way that only the member for Isaacs can manage he implied that, somehow, the internet is not able to be used. We had it confirmed this
afternoon that in 1999 information was put up by the AEC on their website. There is nothing that stops the AEC putting information on its website.

What this provision does is merely ensure that each voter gets a booklet, that each voter gets the information determined by those people in this place who have the constitutional responsibility and prerogative to put a proposal before them to amend their constitution. Yet, for the most contrived reasons, the government are determined to not let them have that. You are so determined to only let them see what you want them to see that you are basically going to throw it in with the Coles catalogue. This is treating the voters with contempt and I would say, even more importantly, that it is treating the proponents of this argument with contempt. It is treating those who have worked for this for many years with contempt. It is treating the people you claim to care about so much and who care so deeply about this issue with contempt.

No justification has been provided to take this booklet from a direct mail from the AEC. If there is one I am happy to hear it. The opposition and coalition members have never supported this. We have always opposed it and for good reason because this is the one thing that the public gets from proponents and opponents that is unfiltered. We, after all, have a unique constitutional responsibility. No-one can put a proposal to change the constitution before the people other than members of at least one of these houses. Unlike the US, unlike many other places in the world, which people might consider democratic, where states might be able to convene a constitutional convention or decisions to amend the constitution are made by politicians alone, we have a unique and well-designed provision in section 128. Both houses by absolute majority or one house with an absolute majority on two occasions separated by a couple of months have the right to put something before the people. What you are saying is that the one thing they get from the proponents and opponents, unadulterated but approved by the AEC and the Commissioner, you basically do not want them to get.

Senator Rhiannon, you may actually get up and make allegations about the opposition's motivations again, but I challenge you to say how this booklet and getting this booklet is in any way a challenge to the viability of this referendum, unless of course the proponents of it are scared of people seeing both sides of the argument.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (19:07): I can indicate, as we did in the debate in the other place, that we will be opposing this amendment, and I am in the hands of senators as to whether we should seek to report progress or move to vote on the amendment.

The CHAIRMAN: As no-one else wishes to speak, I will put the amendment. The amendment is that schedule 1, items (1) to (3), of the bill stand as printed.

The Committee divided. [19:12]

(The Chairman—Senator Parry)

Ayes ...................... 35
Noes ...................... 31
Majority ............... 4

AYES

Bilyk, CL
Brown, CL (teller)
Carr, RJ
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW

Bishop, TM
Cameron, DN
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall, GM

CHAMBER
That this bill be now read a third time.

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

The Senate divided. [19:16]

(The President—Senator Hogg)

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

AYES

McEwen, A
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Waters, LJ
Wright, PL

NOES

Abetz, E
Bernardi, C
Boswell, RLD
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Johnston, D
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Smith, D
Xenophon, N

That this bill be now read a third time.

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

The Senate divided. [19:16]

(The President—Senator Hogg)

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

AYES

Bilyk, CL
Bishop, TM
Browne, CL (teller)
Brown, CL (teller)
Carr, RJ
Carr, RJ
Crossin, P
Carr, RJ
Farrell, D
Carr, RJ
Feeney, D
Carr, RJ
Gallacher, AM
Carr, RJ
Hogg, JJ
Carr, RJ
Ludwig, JW
Carr, RJ
McEwen, A
Carr, RJ
Milne, C
Carr, RJ
Polley, H
Carr, RJ
Rhiannon, L
Carr, RJ
Singh, LM
Carr, RJ
Stephens, U
Carr, RJ
Sterle, G
Carr, RJ
Thorp, LE
Carr, RJ
Waters, LJ
Carr, RJ
Whish-Wilson, PS
Wright, PL

NOES

Back, CJ (teller)
Bishops, RM
Back, CJ (teller)
Birmingham, SJ
Bishop, RM
Birmingham, SJ
Brandis, GH
Brandis, GH
Cash, MC
Cash, MC
Cormann, M
Cormann, M
Eggleston, DJ
Eggleston, DJ
Fierravanti-Wells, C
Fierravanti-Wells, C
Ferrier, AM
Ferrier, AM
Heffernan, W
Heffernan, W
Kroger, H
Kroger, H
Macdonald, JJ
Macdonald, JJ
McEwen, A
McEwen, A
Milne, C
Milne, C
Polley, H
Polley, H
Rhiannon, L
Rhiannon, L
Singh, LM
Singh, LM
Stephens, U
Stephens, U
Sterle, G
Sterle, G
Thorp, LE
Thorp, LE
Thistlethwaite, M
Thistlethwaite, M
Urquhart, AE
Urquhart, AE
Wong, P
Urquhart, AE
Boyce, SK
Urquhart, AE

PAIRS

Carr, KJ
Conroy, SM
Lundy, KA
Wong, P
Humphries, G
Fifield, MP
Edwards, S
Boyce, SK

Senator Joyce did not vote, to compensate for the vacancy caused by the resignation of Senator Evans.

Question agreed to.

Bill agreed to.

Bill reported without amendments; report adopted.

Third Reading

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (19:14): I move:

CHAMBER

PAIRS

Carr, KJ
Conroy, SM
Lundy, KA
Humphries, G
Fifield, MP
Edwards, S
Senator Joyce did not vote, to compensate for the vacancy caused by the resignation of Senator Evans.

Question agreed to.

Bill read a third time.

DOCUMENTS

Consideration

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

The following document was tabled:


ADJOURNMENT

The PRESIDENT (19:18): Order! It being almost 7.20, I propose the question:

That the Senate do now adjourn.

T-QUAL Grants

Tasmanian Whisky Industry

Senator SINGH (Tasmania) (19:19): I rise to speak about the recent T-QUAL grants for quality tourism projects in Australia, and I want to talk specifically about the benefits of one Tasmanian grant in particular which has helped cement Tasmania's reputation as the whisky centre of Australia. The grant has created one of only two paddock-to-bottle single malt whisky distilleries in the world. I had the pleasure last week of attending the opening of the Redlands Estate Distillery at Plenty in the beautiful Derwent Valley in Tasmania by the Minister Assisting on Tourism, Senator Don Farrell, and my parliamentary colleague the federal member for Lyons, Dick Adams.

The distillery received a T-QUAL grant of $110,000, which the owners of Redlands, Peter and Elizabeth Hope, matched equally to develop a complete whisky tourism experience where visitors can follow the production of malt whisky from paddock to bottle. The Redlands distillery at the Hopes' historic property is the ninth distillery to open in Tasmania. As the minister said when he opened the distillery, tourists come to Tasmania for their wine, and now they come for our whisky as well.

The story of Tasmania's journey as a major whisky producer is one I am proud and pleased to tell. It all began when Bill Lark, a surveyor, was trout fishing in Tasmania's Central Highlands with his father-in-law more than 20 years ago and enjoying a wee dram of Scotch whisky. They took in their surroundings, fantastic fields of barley and beautiful clean, pure water, and they knew there were peat bogs in the Central Highlands. So the obvious question that they asked each other was: why wasn't someone making whisky in Tasmania?

Bill, who is now affectionately regarded as the grandfather of the modern Australian whisky industry and is Chair of the Australian Distillers Association, only wanted to make a small batch of whisky, but Australian law at the time did not allow him to do that. Under the Distillation Act 1901, licences had to be for large quantities. This was obviously designed to crack down on backyard moonshiners. Bill mentioned the anomaly to my friend and former federal Labor member for Denison Duncan Kerr, who confided in his colleague Barry Jones, who changed the act. And what an important decision by a Labor government that was to become.

The first modern licensed distillery in Tasmania was at Bill Lark's house. But now, more than 20 years later, his success in getting Labor to overturn the age-old law has opened up a fantastic new industry. In a move akin to selling ice to the Eskimos, a couple of years ago Bill Lark was asked to go to Scotland and help set up a new
distillery south of St Andrews. Bill Lark was at the opening of the Redlands distillery and said that one of the biggest whisky magazines in the world had recently described Tasmania as 'the whisky island of Australia'. So the importance of the T-QUAL grant to the whisky industry in Tasmania is certainly significant. It is significant because the whisky industry and the tourism industry in Tasmania are creating jobs. The Redlands distillery is contributing to this, with the Hopes intending to produce up to 20,000 bottles of whisky a year. The Redlands Estate Distillery hired approximately 30 contractors, both direct and indirect employees, to complete the project. Longer term, three full-time positions have been created as well as several casual positions. It is expected that, when the whisky operations are fully functional, five more full-time positions will be created.

The Redlands Estate Distillery is stage 1 of a major prestige tourism development which will include establishing the traditional floor malting room and the brewing and distilling room and upgrading the historic stone stables to house the distillery showroom and cellar door. The T-QUAL funding was used to carry out sections of stage 1, including renovating the historic granary buildings and concrete floors and establishing a traditional malting floor as part of the whisky distilling process. Frankly, the T-QUAL grant helped save the 1850s distillery building from ruin.

The building is of heritage significance, with a collection of spirit circles drawn on the outside walls. These circles were designed to keep away bad spirits, which I am sure they did when we visited the distillery last week. The Redlands distillery is on the historic Redlands Estate farm north of Hobart. In 1819, Redlands was one of Australia's largest hop farms.

From the late 1860s until the 1970s, Redlands was one of Australia's largest hop farms.

As well as the distillery, the Hope family has plans for Redlands Estate to undergo a modern transformation into a family residence, working farm and tourism development. This will include accommodation and a restaurant and will link the property to Salmon Ponds next door on one side and to the proposed Derwent Valley tourist railway turntable on the other. The distillery is being housed in the heritage listed, convict built Georgian oast-house and granary. The visitor centre includes a whisky tasting room and cellar door sales and will serve other Derwent Valley produce, including wines and bread baked on site in one of Tasmania's oldest bakehouses.

I learnt, through the whisky-making demonstration by Dean Jackson, that the whisky-making process takes at least two years. I was able to watch the only cooper in Tasmania, Adam Bone, use his skills to light the barrel. He told me the charcoal inside is a natural filter for the whisky. Redlands is one of only two whisky distilleries in the world where all the barley is grown on site. What sets this distillery apart from others is that Redlands has the malting process. Tourists can see that process and they can taste the whisky being made.

Tasmania's whisky industry has certainly grown since 1992, when Bill Lark produced just one barrel. There are now nine distilleries, producing more than 200,000 litres of whisky a year. As Bill Lark said at the opening of the Redlands distillery, Tasmania is being recognised now as a serious player in the whisky market. In fact, the Nant Distillery in Tasmania is planning to build the world's largest chain of whisky bars.
Tasmania is also winning some of the top awards for whisky around the world. A 2007 single cask produced by Sullivan's Cove distillery won the gold medal for 'best other' whisky—the best outside Scotland—at the World Whiskies Awards. Tasmanian whisky can sell for just under $100 or for more than $1,200 and is exported to Singapore and Canada. Peter Hope told me that he had been visited by a Chinese delegation who had shown interest in his distillery. That is because Tasmania is using a traditional brewing system and because our climate is particularly favourable for producing whisky. As I said, the whisky boom is also creating jobs. Redlands Estate will have employed about 40 people by the time that first bottle is opened. I hope that, when it is, I get the chance to have a wee dram.

I am pleased to talk about the success of the Tasmanian whisky industry and what can be achieved through the T-QUAL competitive grants program. Of the 77 successful T-QUAL projects in 2012, 11 projects were offered across Tasmania. They include funding to provide world-class bird hides on Bruny Island, for a new convict experience for the award-winning Maria Island walk and for a new apple orchard experience at Spreyton in the north-west.

Tourism is particularly important to the Tasmanian and Australian economies, and Tasmania is certainly on a winner with its tourism attractions, taking out five top national awards at this year's Australian Tourism Awards—more than any other state. This year my home town, Hobart, was listed in Lonely Planet's Best in Travel 2013—the only Australian city to score a mention. Tourism contributes $33 billion per year to GDP and employs one in every 12 working Australians. As the T-QUAL grant to the Redlands distillery demonstrates, tourism not only creates jobs but also generates wealth and puts us on the international stage. That international stage is one Tasmania is now on as a result of whisky-making and all the other produce of Tasmania—something I am very proud of.

**Budget**

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (19:28): I happened to be in Tasmania last week and I saw the footage of the distillery about which Senator Singh speaks, but I am disappointed, Senator Singh, to have to observe that I did not see you in that footage at all. I did see Senator Farrell looking most uncomfortable in a sort of Scottish cap. But I have to say that Mr Dick Adams MP certainly played the role. I congratulated the organisation. To add to Senator Singh's comments, the gentleman made the observation that they are one of only two distilleries in the world which produces everything from the barley to the malt to the product.

But that is the only good news I have in my contribution this evening. I am not an economist; I am a humble veterinarian. But this evening I have to reflect on the deep disappointment which I have observed over the last three or four years and which culminated last night in the presentation of the budget by the current Treasurer, Mr Swan. It was disappointing to watch Mr Swan. I am sure he is a man of good will, but he is clearly so far out of his league that I suspect he would probably be better off somewhere with me!

What this country is facing at the moment is a $300 billion gross debt. We are racing towards it. In the time that the Labor Party have been in government, which is since 2007, they have accumulated nearly a $200 billion deficit. In fact, last year the Treasurer loudly trumpeted the prediction that he would bring down a surplus budget of $1 billion in the very year of which I am
speaking, 2012-13. Our budget revenue is about $350 billion. Anybody in a household or in a business who hoped to make a profit of $1 billion in $350 billion or $100,000 million in $350 billion would simply say that this is a circumstance in which I have to be incredibly cautious. Those who are perhaps not across the issues of the economy may ask: what is a deficit? A deficit is the difference between what comes in and what is expended by a household, a business or, in this case, a country year to year. Those of us who are in households or who run businesses, as I have for most of my adult life, know that, year on year, we had better make sure that more comes in than goes out. We had better make sure that we have more revenue than expenditure. If there are circumstances for whatever unpredicted reason—and I say 'unpredicted'—that we do not make enough that year to cover our costs, we have to go to the bank and borrow. The circumstance in which Mr Swan found himself this time last year was one where he predicted that he would make a $1 billion surplus. All the wise heads said that he would not. It is a regrettable fact that he and the Prime Minister of this country said no fewer than 500 times to the Australian people: 'We are on track for a surplus.'

It is the case that, for whatever reason, in all but one year of the Howard-Costello governments—and people can argue whether they were good times or bad times; they can argue over the terms of trade—the simple fact of the matter is that with prudent management the Howard-Costello governments ensured that, year on year, more money came in than went out. What this government inherited was no net debt. Not only was there a surplus; there was some $40 billion on the account, in the bank, deposited. If you relate that to a household or to a business, it is a very healthy circumstance. We heard in Mr Swan's budget last night that circumstances absolutely beyond his control and those of Treasury had reversed a $1 billion potential surplus into a $19 billion deficit. What is most interesting and something which does not seem to have got much vocalisation in the media is that, far from there being a drop-off in revenue, the government made $7 billion more in its revenue this financial year—$7 billion more—and is predicting $8 billion more. So there has not been a drop-off in revenue; there has been an increase in revenue. As one who has managed and led businesses for many years in the sorts of economic circumstances we are suffering at the moment I can tell you that to have a $7 billion surplus or a $7 billion improvement in revenue year to year is actually very good. But, of course, that is not where the point lies, as Senator Colbeck, who has been in business, and as Senator Williams would know, because the fact is that there has been uncontrolled expenditure.

Those of us who have run businesses would know that, if we were to commence the financial year cautiously, if we were only predicting to make $1 billion on a $350 billion revenue budget, we would go exceedingly cautiously in the early part of the financial year. We would make sure that we had expenditure under total control, because there are two things that run a business: cash flow and cost. Many profitable businesses have gone to the wall because their profit was all out there, unpaid, and their cash flow was not adequate to meet their demands. Secondly, those who are not disciplined enough to keep their costs under control have come to a period of demise, and that is exactly where this country finds itself at the moment. We have an accumulated deficit. The sum of the years of this Labor government in which it has not been able to ensure that its expenditures were below its revenue finds that the deficit is now
approaching $190 billion and, if we are to believe the Treasurer, that it will be $200 billion next year.

Let me put this into some perspective, if I can, because there are those who say that it does not matter that you are running debts and deficits with a country. Well, it does. And I will tell you why it does. The current interest alone on the debt of this country, Australia, today is $35 million a day. That is not the repayment of the capital; it is not the repayment of the principal. The interest alone is $1 billion a month. It was not very long ago that the Senate Standing Committee on Education, Employment and Workplace Relations looked at the question of whether some people in this community should be moved off parental payments and onto Newstart. In fact, that decision was taken. It was a decision by the government and it was passed by this parliament. This was to save $700 million over four years. Put that against $1 billion a month. If we were not in this level of debt, it would never have been necessary for the government to cut so cruelly those who desperately need that level of support.

We hear Mr Swan talk so often about the global financial crisis. It was, indeed, a North Atlantic financial crisis; it was never a global financial crisis. Why did this country come through it so well? I will tell you why it did. First of all, it was because interest rates were at such a level that the Governor of the Reserve Bank, Mr Stevens, was able to manipulate interest rates to bring them down—in contrast to the USA, whose interest rates were near zero, the United Kingdom and other countries in Europe, and Japan. That was one factor.

The second was the fact that this government started out its life with a surplus budget and no net debt. We heard the Prime Minister recently talking about Canada—another resource country that did not come out of the global financial crisis so well. Why? It was because their interest rates were already very, very low and they were already in debt. It is an unfortunate circumstance for this proud country to find ourselves in a situation now where we are deeply in debt, deeply in deficit and paying $1 billion a month interest on that debt.

New South Wales Labor Government

Senator RHIANNON (New South Wales) (19:38): Tonight’s adjournment speech continues the comments I made last night in the Senate about recent activities in New South Wales. When a New South Wales upper house inquiry into allegations of corruption in planning decisions was held in September 2009, Ms Hale, who was a member of the upper house at that time, asked Sydney property developer Ron Medich if he had any involvement in the murder of Michael McGurk. Mr Medich was subsequently charged with Mr McGurk’s murder. Ms Hale was extensively targeted at the time by conservative Labor and coalition MPs for asking the question that had to be asked as it was deeply relevant to understanding and combating the systemic corruption that had become part of doing business in New South Wales in those years. Michael McGurk and Graham Richardson had both worked for Ron Medich. It is widely recognised that Mr Richardson orchestrated Mr Eddie Obeid’s entry into the New South Wales upper house. In Mr Obeid’s inaugural speech, delivered on 13 November 1991, the first person he thanked of all his supporters was Mr Richardson.

It was 2008 that marked the height of many of the Labor scandals that ICAC is now investigating. In the week before Christmas that year, the Australian Financial Review reported that Mr Richardson transferred $1 million from his Swiss bank
account to a Beirut account. Mr Richardson, amongst his many titles, is now recognised as a mentor to Mr Obeid, and this story about a Beirut account has fuelled speculation on the nature of the relationship between these two dominant Labor figures. For those commentators attempting to grapple with what is happening to Labor, it is a serious mistake to try to dismiss Mr Obeid as a lone operator. Like Mr Macdonald was a creature of the left Labor faction, Mr Obeid was a creature of the right Labor faction.

Mr Carr’s role in promoting Mr Obeid also needs to be remembered. While it is true, as the current foreign minister likes to remind us, that he forced Mr Obeid out of his ministry, Mr Carr elevated Mr Obeid to the prized position of Minister for Mineral Resources in 2003 and he often praised this upper house Labor MP for his massive fundraising efforts undertaken for Labor.

Mr Macdonald also had a dubious connection with the strange case of the Young abattoir that went into receivership in 2010 with debts of more than $20 million, leaving its 300 workers out of a job. Money that should have been put into workers’ entitlements and superannuation, along with company stock, went missing. The public purse is down $2 million, as the Commonwealth has to cover workers’ entitlements when a business collapses. There is no suggestion that the former minister was involved in this bad business deal, but he did fail to act on clear advice about previous fraudulent activities of the company owners, Grant Edmonds and Kim Noble.

In 2005, when Mr Macdonald was Minister for Primary Industries, he was advised that the Young abattoir owner, Grant Edmonds, had been the subject of an internal Commonwealth Bank investigation into fraudulent conduct when he was a bank manager at the Auburn branch. Mr Edmonds' partner, Kim Noble, at the time of the investigation was a bank clerk in the same branch of the Commonwealth Bank. Ms Noble also had a major interest in Burringong Meats, owner of the Young abattoir, as she was the financial controller. Banking analyst Bruce Ford provided this information to Mr Macdonald when he became aware that the minister had appointed Mr Edmonds to the chair of a committee overseeing the National Livestock Identification Scheme. The email Mr Ford sent was acknowledged with a confirmation that it was received by the minister's office. Mr Macdonald denies he was aware of the issue. Ministers do receive a great deal of correspondence; we all know that. However, it is hard to believe this issue would not have been considered in Minister Macdonald's office. At the time this email was sent, Mr Macdonald's chief of staff was Tony Hewson, a former mayor of Young, a former senior manager for Mr Edmond and a one-time director of one of the Burrangong group of companies. Ms Noble would have been aware the information supplied by Mr Ford to his boss was significant. Mr Macdonald has made trips to China with both Mr Hewson and Mr Edmonds. I referred this matter to ICAC when I was in state parliament and I maintain my view that this warrants investigation.

News Limited also deserves a mention in the saga of the damage Mr Macdonald has wrought on New South Wales. Former News Limited CEO John Hartigan was a member of one of the former minister’s many committees—in this case the New South Wales Wine Industry Research and Development Advisory Council, which became notorious for spending $150,000 on long lunches and top accommodation. News Limited was again standing with Mr Macdonald in backing one of his pet
projects, the car race Sydney did not want—the V8 Supercar Championship Series at Sydney Olympic Park. This event, with a price tag of $90 million of public money, required legislation to override the environmental regulations designed to enhance the green credentials of the Olympic precinct.

Then there are the former minister's unexplained actions with the NRL. In March 2010, as Minister for Major Events he pledged about $50 million over 10 years to the NRL, including $45 million in cash and $5 million in kind. Much of the annual $3.5 million payment had no conditions attached. News Limited, with its newspapers, pay TV rugby league and financial ties to two clubs—100 per cent ownership of the Melbourne Storm and a 68 per cent stake in the Brisbane Broncos—would have a clear interest in the NRL gaining financial support. A strong NRL means more followers and viewers, more people looking for news on the game and their club. The NRL is an important and popular sport. It warrants support. But there are a lot of important sports and a lot of public schools and hospitals in need. Why did Mr Macdonald, with the support of the NSW Labor cabinet, single out the NRL for such favoured treatment?

Part of the motivation appears to have been to save New South Wales Labor's political bacon by preventing the bid of the then Queensland Premier, Anna Bligh, to have NRL grand finals played in Brisbane. Was something expected in return? The actions of Mr Macdonald, an AFL Essendon fan, in throwing millions of dollars at the NRL are curious. With the way Labor and the coalition parties have pandered to media moguls and their empires in recent history, these questions need to be considered. Maybe the former Monash student activist turned New South Wales Labor minister hoped for some media cooperation for himself or his party. Stranger things have happened in this tale of the rags-to-riches hard man of politics.

When Mr Macdonald resigned in May 2010 over misuse of his travel entitlements, I called on the then New South Wales Premier, Kristina Kenneally, to broaden the inquiry to cover other allegations of ministerial misconduct, as our previous calls for ICAC to investigate had not been taken up. Ms Kenneally did not broaden the inquiry. In March this year, speaking on the ABC's 7.30, she stated that Mr Macdonald had been a competent minister and that is why she put him back in the ministry after he had been sacked by former Premier Rees. The ICAC hearings are shedding light on whom Mr Macdonald was competent for—for himself, for some close colleagues and for business executives. Considering the range of dubious activities the former minister was involved in, there is a strong case for the ICAC investigation to be widened to include the issue of the Young abattoir and whether New South Wales government ministers gave guarantees to proponents of developments, including coalmines, prior to the approval process being finalised. A danger for all of us is that minimal lessons are learnt from these widespread abuses by prominent public figures.

What I witnessed in New South Wales state politics suggests that a dangerous 'whatever it takes' culture dominates in the New South Wales Labor parliamentary wing. This behaviour, I find, damages all sides of politics, as people become cynical about the democratic process. The road to recovery needs to concern us all. For members of this parliament, I believe it is a clear reminder that a national ICAC is urgently needed.
Grey Electorate: Trade Training Centres

Senator GALLACHER (South Australia) (19:48): I rise to make a contribution to the adjournment debate on my normal subject: activity in my duty electorate of Grey. During the parliamentary recess, as seems to be usual, I officiated at a couple of openings of trade training centres in the electorate of Grey, travelling to the Eyre Peninsula and the Flinders Ranges. At the outset, I just want to reiterate my comments in response to Senator Macdonald's claim that Labor has abandoned regional Australia: once again, there has been significant investment in one of the most regional Australian seats, the electorate of Grey.

The Port Lincoln trade training centre incorporates Edward John Eyre High School as the lead school, along with Ceduna Area School, Cleve Area School, Cowell Area School, Cummins Area School, Kimba Area School, Streaky Bay Area School, Stuart High School, Whyalla High School and Wudinna Area School as cluster schools. That covers almost all of the Eyre Peninsula. The funding for this trade training centre was $9.9 million. I have already opened complementary facilities at Cummins and Streaky Bay which are part of this trade training centre investment.

The trade training centre will deliver qualifications in aquaculture, engineering, construction, hospitality, agriculture and horticulture. The facility at Port Lincoln High School is used for aquaculture and hospitality training. Anyone who knows Port Lincoln knows that those are two primary drivers of the economy of that region. The aquaculture facility is state of the art but, very importantly, built as an industry-standard facility. Aquaculture in the Port Lincoln economy is extremely important, a fact that is recognised Australia-wide and indeed worldwide.

Tony Green, the principal of Port Lincoln High School, stated: 'In regards to the aquaculture centre, it is a state-of-the-art facility that links the Port Lincoln community to the school. As of two weeks ago, students from New Zealand's Queen Charlotte College have been learning at Port Lincoln High School and, in exchange, students from Port Lincoln will go to New Zealand to learn about aquaculture there. This trade training centre has strong links with business and industry. There has been an increase in students getting experience in working with businesses and the industry because of the aquaculture centre. This allows students with an interest in a career in aquaculture to move into full-time work when they finish their studies.'

Mr Green said in relation to the commercial cookery centre: 'There has been a strong interest from all students. They have hired two chefs as teachers, so commercial reality is taught. Children learn how to turn a $6 chicken into a meal worth $21. They have been able to provide a catering service and service for the community, seen during race meetings at Port Lincoln.' There is very strong relationship with the hospitality industry, where students are getting work experience. Mr Green finished by saying: 'This is a valued contribution by the federal government that complements students' strong academic records.' When we arrived at the trade training centre, we were treated to a very professional spread of food prepared and served by the students. It was of an extremely high quality, and the students were extremely proud of the skills that they were displaying. They were very confident and articulate about their role and how they had been successful in their endeavours in that commercial kitchen environment.
From there we move to the Pichi Richi Trade Training Centre. It is led by the Quorn Area School, but it also incorporates as clusters Booleroo Centre District School, Hawker Area School, Leigh Creek Area School, Orroroo Area School and Port Augusta Secondary School. We have now moved and taken in another great swathe of regional South Australia in the electorate of Grey. They received funding of $6.5 million. These trade training centres will deliver construction, engineering, hospitality, manufacturing, electrotechnology and automotive qualifications.

The Pichi Richi Trade Training Centre is unique, as students are able to learn skills from the Pichi Richi Railway Preservation Society, which contains a collection of all of the historic railway carriages and steam engines in that area. Port Augusta has been an integral part of that for 100 plus years. The Pichi Richi Railway Preservation Society workshop, which is where students go to actually practise their skills, is a little distance from the actual school. At the opening we rode on one of their diesel engines down to the workshops to see where students had been getting to work on restoring what is basically part of our nation's history.

The very carriage where General MacArthur famously proclaimed 'I shall return' is one of the carriages that these students work on. Also, a lot of these carriages historically transported troops all around Australia. Interestingly, as remarked upon by a number of students, they found what was basically some graffiti from the Second World War. People would scratch their name and number on the wall of the carriages as they were coming and going, which intrigued the students. The steam engines themselves have an amazing engineering story, which seemed to excite interest among the students who were allocated the cleaning and trying to enable the engineers to refurbish them. I would strongly recommend that anyone who is going past or up Port Augusta way drop in at Quorn and embark on one of their historic steam train rides around the area. What we have is a trade training centre and a complementary effort from the preservation society, which is all staffed by volunteers who are imparting their skills to students.

At the opening of the Pichi Richi Trade Training Centre, we got to meet a very impressive young Australian by the name of Alistair Keller. He was a standout beneficiary of this investment in regional Australia. Alistair was announced as the 2012 South Australian School-based Apprentice of the Year. He then came to Canberra and won the Australian School-based Apprentice of the Year award. Alistair has also completed a Certificate III in Agriculture. He recognises the importance of trade training centres for the development of schoolchildren in his area. While he was on stage giving a very eloquent speech, he was able to communicate the importance of skill-based learning for those in rural Australia. Alistair has gone on to start up his own business in animal husbandry; this has led him to all parts of Australia. He provided some insights into the pressures on some of the farming communities, particularly in Queensland, where a lot of young rural people are going into mining. He stated that this has left a shortage of people to work on the farms and that is why he is demand in places such as Queensland. When we asked Alistair what learning a skill at school has done for him, he stated:

Well, school and classroom learning is not for everyone and to be able to learn another skill out of school and be able to finish your school is a huge benefit to people like me in the rural environment. Having a skill like a cert 3 in agriculture is a huge benefit coming out of
school, as I think I am one level ahead of kids coming out of school without a qualification trying to get into agriculture.

When asked about school based training and how it helped him to start his business, he said:

What I have learnt at school has been significantly beneficial, but what has been of greater benefit is the skills I have learnt out in the workforce as part of my school based traineeship. I believe things such as organisation and work ethics cannot be taught in a classroom environment. Also during my school based apprenticeship, I have been able to build up networking contacts which have been able to help me build my own business.

This has really meant a lot for his local community, as hopefully with school based training there will be more young people who stay in rural communities and who get the skills necessary to transition into the economy in regional areas.

It is extremely important to place on the record that this is an incredible investment—I think it is up to in excess of $46 million in the electorate of Grey—that connects young people with skills, work experience and a regional economy. People in Port Lincoln can work in aquaculture. People in Port Augusta can work in electrotechnology, mechanical engineering and the like. This great investment by this Labor government is to be commended. I finish by saying to Senator Macdonald: have a look at the facts.

Senate adjourned at 19:58

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.] Australian National Registry of Emissions Units Act—Australian National Registry of Emissions Units (Commonwealth foreign registry account in the Union Registry) Direction 2013 [F2013L00762].


Private Health Insurance Act—Private Health Insurance (Data Provision) Amendment Rules 2013 (No. 1) [F2013L00771].

Public Service Act—Public Service Commissioner's Amendment Direction 2013 (No. 2).

Social Security Act—Social Security (Personal Care Support—Tasmanian Self Directed Funding Pilot) (FaHCSIA) Determination 2013 [F2013L00770].

Departmental and Agency Grants Tabling

The following documents were tabled pursuant to the order of the Senate of 24 June 2008, as amended:

Departmental and agency appointments and vacancies—Budget estimates—Letters of advice—Infrastructure and Transport portfolio. Prime Minister and Cabinet portfolio. Departmental and Agency Grants—Order for Production of Documents—Document The following document was tabled pursuant to the order of the Senate of 24 June 2008:

Departmental and agency grants—Budget estimates—Letter of advice—Prime Minister and Cabinet portfolio.