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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia, 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—Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt, Arthur Sinodinos and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

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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 15.6.12), pursuant to section 15 of the Constitution.

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

**PARTY ABBREVIATIONS**


**Heads of Parliamentary Departments**

Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Digital Productivity</em></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Asian Century Policy</em></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><em>Minister Assisting the Prime Minister on Mental Health Reform</em></td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on the Centenary of ANZAC</em></td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
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<td>The Hon Wayne Swan MP</td>
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<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
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<td><em>Minister for Industry and Innovation</em></td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td><em>Minister for Small Business</em></td>
<td>The Hon Brendan O’Connor MP</td>
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<tr>
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<td>Senator the Hon Stephen Conroy</td>
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<tr>
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<td>The Hon Catherine King MP</td>
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<td>Senator the Hon Bob Carr</td>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator the Hon Penny Wong</td>
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<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
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Tuesday, 20 November 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 11:00, read prayers and made an acknowledgement of country.

PRIVILEGE

The PRESIDENT (11:01): By letter dated 5 November 2012, Senator Thistlethwaite, the former chair of the Select Committee on Electricity Prices, raised a matter of privilege under standing order 81. The matter of privilege concerns the unauthorised disclosure of the chair's draft report before its final adoption by the committee.

The committee became aware of an article and online video commentary by Lenore Taylor of the Sydney Morning Herald discussing the committee's recommendations published on 31 October 2012, before the committee met to adopt the report. Although the report was due to be tabled the following day, the committee undertook inquiries, as required by resolutions of the Senate of 20 June 1996 and 17 September 2007, in an effort to explain the disclosure. The committee reported to the Senate that it had not been able to discover the source of the disclosure but concluded that the disclosure was a serious breach of its confidence. Senator Thistlethwaite further indicated that the unauthorised disclosure not only impeded the committee's freedom to deliberate but reflected adversely on the value of the committee's inquiry.

In determining whether a notice of motion to refer the matter to the Privileges Committee should have precedence, I am required to have regard only to the following criteria in Privilege Resolution 4:

(a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and

(b) the existence of any remedy other than that power for any act which may be held to be a contempt.

With regard to the first criterion, the Senate has identified the unauthorised disclosure of a report of the private proceedings of a committee as a matter which may be treated by the Senate as a contempt. While the Senate's resolution of 17 September 2007 provides further guidance on the types of unauthorised disclosure for which the contempt jurisdiction should primarily be reserved, the resolution only serves to reinforce the seriousness of unauthorised disclosures and their obstructive potential for the work of Senate committees.

With regard to the second criterion, there would normally be an alternative remedy available in the form of a process established by the Senate for committees to deal with cases of unauthorised disclosure, and for such disclosures not to be raised as matters of privilege until after the committee concerned had consulted the Privileges Committee. This process is provided for in the resolution of 17 September 2007 and involves reference to the Privileges Committee's 122nd report on the subject for guidance on assessing such matters. In this case, however, that remedy is not available. Although the Select Committee on Electricity Prices was able to undertake certain inquiries before presenting its final report, it ceased to exist at that point and could not undertake the further steps of consultation and deliberation envisaged by the 2007 resolution. The Senate's contempt jurisdiction therefore provides the only...
remedy for cases of unauthorised disclosure involving the final reports of select committees.

I have therefore determined that a motion to refer the matter to the Privileges Committee should have precedence over other business for the day on which it is given. Before I call Senator Thistlethwaite to give notice of the motion, I remind the Senate that this determination of precedence is not a judgement of the substantive issues or merits of the matter, beyond the threshold judgement that it is not of a trivial nature or unworthy of the attention of the Senate. It is for the Senate to make the judgement whether a matter merits referral to the Privileges Committee.

I table the correspondence and call Senator Thistlethwaite to give notice of the motion.

Senator THISTLETHWAITE (New South Wales) (11:06): I give notice that, on the next day of sitting, I shall move:
(1) That the following matter be referred to the Committee of Privileges for inquiry and report:
Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.
(2) That, for the purpose of this inquiry, the Committee of Privileges have power to consider and make use of the minutes of private meetings of the Select Committee on Electricity Prices, correspondence referred to in paragraphs 7.6 to 7.8 of the committee's report and any other document relevant to the question of possible unauthorised disclosure of the committee's draft report.

BILLs
Equal Opportunity for Women in the Workplace Amendment Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator BOYCE (Queensland) (11:07): When I was last speaking on this legislation, I was canvassing the dangers of the way it will allow unions and employees from different organisations to compare wage rates. Whilst the government is very aware of the difficulties that could arise out of this, it is very hard to come to any other conclusion but that they have deliberately set this up as a tool for unions to push for above award wages in organisations where this currently does not happen.

In more general terms, this legislation could have been very useful to us. It could have taken us into a situation where we have active work on the part of all stakeholders to ensure pay equity and to ensure that it is being actively worked on by employers and others. It is interesting that the government has taken itself out of the equation. The Business Council of Australia has pointed out that the cost of including the public sector was given in the regulatory impact statement as a reason for not requiring the public service to be subject to the new legislation. What a bizarre outcome we have, and yet more and more red tape and regulation is being forced onto businesses.

Many organisations have found that they do have a pay equity issue when they look at the data, but this needs to be done in a way that they will not feel that—(Time expired)

Senator MOORE (Queensland) (11:09): It is fairly confronting when you get to stand and speak to a piece of legislation that you have followed through from when the original legislation was introduced over 20 years ago. We are all cutting our contributions very short, recognising the importance of making sure that the debate continues.

I can well remember when the original legislation was brought into this place to ensure that there would be equality for
women in the workplace—and I see people sitting in this chamber who share this experience. If we look at the Hansard transcripts from that time, we remember the statements that were made that the legislation would end the modern world as we know it, that business would cease to operate effectively, that we would have social engineering interfering with the way that people would operate, and that all this was some kind of mad experiment by people who wanted to change the world starting with business in Australia. We know that that is not true. If you look at the way this legislation operated in its original guise, as the affirmative action legislation and then through a couple of reviews through 1990 and to today, you see that the intent was purely to ensure that people in Australia would have equal opportunity in workplaces so that they could have careers, equity and choice in the way they could work.

After an extensive review which was announced a couple of years ago and was then put in place—with a consultation process across the board which called for people to be involved—we have developed a new range of legislation which looks at equality in the workplace but, even more, looks at the changing face of our community. It picks up issues of caring in workplaces and puts in the agenda—as it always has been in some form but it is clearly in place in this legislation—the need, the importance and the economic value of equal remuneration in the workplace.

What we have before us now is a bill that says that we have looked at the changes that have happened over the last years and we have refined the objects. And they are not that new. This legislation says that we need to change the name of the act to the Workplace Gender Equality Act. For me, language is always very important, but I have to admit that when I actually lose the word 'woman' in a title it does cause me pain. But I have worked through this pain and I understand that we need to have a concept in Australia, in our business community, that looks at workplace and gender equity, so that both genders can feel that their needs are being addressed and that we understand the need for genuine equity. So we change the name. We modify the coverage of the act to include all employers and employees in the workplace, regardless of gender. We look at everybody's needs. We introduce a new reporting framework which has been called for for many years. When the original act was brought in, and subsequently over the years, I believe that the single biggest complaint from business was the onerous nature of reporting. Whilst I looked at those complaints over the years, and I looked at the report, I felt that it probably was not that onerous. Nonetheless, there has been a response to ensure that there is much more support from the agency to ensure that people who are working in business—employers and employees—have some support in developing what they have to say back to the government about what they have done. I would have thought that would be a natural expectation of businesses in our community. To be fair, in the consultations many of the business organisations and many of the employers felt that this was a reasonable request—that they needed to tell the government what they were doing to ensure that issues of equity were in place in their agencies. The reporting process has been streamlined and the benchmarks against which people will need to report will continue to evolve. Nothing can be seen to be set in concrete. Through this process there is an expectation that, in responding to the needs of the community and the needs of business while maintaining a genuine commitment to equity, there will be a process in place that is clear, that people
understand, and through which they can put forward what they are doing in their own workplace to meet the requirements.

Not too tough, I would have thought, to provide for the Equal Opportunity for Women in the Workplace Agency, which we all value and which will get its new name, the Workplace Gender Equality Agency, to have new advisory and educational functions. For me, that seems to be one of the key aspects of the changes. There has always been an expectation that the agency would be available to provide support when people are required to put forward their reports. Indeed, that has happened. I know, from talking to people who worked in the agency over many years, that they have given a great deal of time and professional expertise to provide this support in a very personal way. Now that support has been redefined and made a core part of the agency's business so, no matter what form of business you are operating in this country, you will be able to get support from the agency along the lines of what you can do to ensure there is workplace equity and that you can understand the issues around pay. You have to put reports in only if you have more than 100 employees, but one of the key aspects of this bill is that no matter what business you are working in—it can be three people—you can still ask for assistance and advice to see what is going on in your workplace. That, to me, is the core importance of what we are doing.

This is not a bill just for the sake of having new reports or having new changes in workplaces. There is a key goal in this process, because what we have identified, and what the debate has clarified over many years, is that, despite the efforts of many places and organisations in our country, there are still major gaps to be overcome. We have data on the differences in pay rates and the differences in opportunities, but there are still segments of industry in this country that have great gender divergence. There has been great progress—and we celebrate that. One of the things I look forward to every year is the awards that are given by the agency to businesses that have done great things and to celebrate the achievements of businesses that can show they have achieved equity in their workplace. They have provided opportunities for employment. They have provided opportunities for flexible working arrangements which benefit employees but benefit the whole business as well. We as a community should continue to celebrate that, share that knowledge and ensure that people can be involved in the overall goal of the whole process, which is workplace equity.

It is exciting that we are able to move forward this legislation. We have a work program into the future for which details will be endorsed, so that by 2014 we should have in place a reporting process that has the benchmarks clarified, that lets people know what the expectations of their industry are, and that enables employers and employees to feel engaged in the process. I believe one of the things that has not happened as well as it should have over the last few years is the true engagement of businesses—employees and employers—in this process. There has been a tendency to put it to HR departments, to put it to people who are specialists, to fill in the forms. That is something that this bill addresses.

We can no longer have this disengagement between businesses and the expectations of workplace equality. The expectation is that people will know that this is what is happening in their workplace. There is an expectation for people to be involved in that. Something as simple as needing employers to tell employees that this report is being developed and put forward has been included in the expectations for
employers. It is important that we have support for this process. I take on board the concerns that have been raised by people from the other side about different aspects of it, and I celebrate the debate. The fact that we are having the debate is positive in itself, that we can clarify exactly what we need to do to ensure that the community understands the importance, the effectiveness and the necessity of having workplace equality.

I am interested in the issue of the public sector, and the difference between the public sector and private enterprise employment. My workplace experience has been with the public sector, as I am proud to say very often. If you look at the State of the Service report that is put out by the Public Service Commission every year, the key aspects of gender engagement in the Public Service is clearly iterated in that document. You can see what is happening across the public sector with gender equity—numbers at different levels across the workplaces—and, indeed, the processes of enterprise and workplace bargaining with salary and conditions results. That data is available. It is on record and people can see what is happening in the public sector on an annual basis.

I do not believe there is a major gap. A complaint that has been raised on a number of occasions in this debate about the separation cannot, I believe, be validated in reality. You will see that the data is able to be compared effectively. Most importantly, the Senate estimates, where clear questions can be asked across every workplace in the public sector about what they are doing about workplace equity in their agencies, can be a process for gaining this information.

In years to come, particularly with an expectation that there will be biannual reports through this place about what is happening with the process of gender equity across the workplace, we will have the opportunity in parliament to see what progress has been made. With people responding, we will be able to see what is happening against the benchmarks. We will be able to see how pay equity is being addressed across the board in our nation. It will give us further opportunity in the parliament to debate the issues, to consider what is working and what is not, to share best practice and to ensure that we will not have the gaps that we have in our community at the moment. We will be able to see that business has not been destroyed by the social engineering of ensuring that there is attention to workplace equity. We will be able to acknowledge the extraordinary work and passion over many years of women and men in our community who have worked to ensure that we do have effective legislation, who have worked to ensure that there is acknowledgment in their own workplaces about the need for these things, and that we can see that legislation that we are debating today is not directional. It is in fact supportive for the work that we acknowledge must happen in our community.

I support this legislation. I acknowledge that we need to have continued work and I know that will happen through the Workplace Gender Equity Agency and also through ministers who will come in the future who will acknowledge the need for this work. Australia's economy and all of us will be stronger by the acknowledgement of this work.

Senator EDWARDS (South Australia) (11:22): I rise today to speak on the Equal Opportunity for Women in the Workplace Amendment Bill 2012, which, if agreed to, will amend the Equal Opportunity for Women in the Workplace Act 1999. The coalition has long been committed to the principle of equal opportunity for women in the workplace. I have long advocated for and
supported women in the workplace. Throughout my time as a business owner I have employed a large number of women. I have always hired people on the basis of their skills and ability, and I have found that women bring a level of focus, attention to detail and diligence that is sometimes not seen as strongly in men.

I come from a state which has long recognised and has been an early adopter of equality for women. South Australia was the first state in Australia to grant women the vote, in 1894, and the right to stand for parliament, in the same year. Across a number of different workplaces, South Australia has had a number of female firsts: the first woman wharfies, Michelle van Rens and Monica Judd; the first woman forklift driver, Michele Dougherty; and the first woman ombudsman, Mary Beasley—some impressive firsts in what were very male centric workplaces. South Australia's reputation as a compassionate and liberal society started in 1848, with the establishment of the Destitute Board, and later, with the appointment of the first Inspector of Factories, Augusta Zadow.

It was the Howard government that enacted the Equal Opportunity for Women in the Workplace Act 1999. Then from 2001, under the Howard government, employers reported to the Equal Opportunity for Women in the Workplace Agency for the first time, under the Equal Opportunity for Women in the Workplace Act. Tony Abbott, the current Leader of the Opposition, when he was a senior Howard government minister, implemented mechanisms to strengthen the standing of women in the workplace. He was and remains a strong advocate for improving women's health in the wider community. It was the Howard government which amended the Sex Discrimination Act to explicitly recognise breastfeeding as a potential ground for unlawful discrimination in the workplace. In government, the coalition has shown a commitment to strong reform with tangible outcomes for women in the workplace.

This bill came out of a review by KPMG in 2009 into the Equal Opportunity for Women in the Workplace Act. However, the bill which Labor has cobbled together contains a number of miscellaneous problems and is another failure by another Labor government in relation to addressing good policy. It does not sufficiently cover the issues identified by KPMG in that report and does not provide for real equal opportunity reform. This bill is another one which could be put into the category of all spin and no substance.

Unfortunately, this bill does not contain provisions to address any of the institutional or cultural barriers to attaining greater gender equality in our workplaces. It is symbolic of this government, which has seen some of the key indicators of women's equality in the workplace slide. For example, our shadow parliamentary secretary for the status of women, Senator Cash, highlighted in her contribution to this bill that the gender pay gap in August 2012 was 17.5 per cent, or approximately $252.80 a week, which has widened since Labor came to power.

The coalition has a number of concerns with this bill. The first of these is the additional, costly, bureaucratic regulation, at the expense of business once again, that this bill will impose and the significant additional reporting burdens and costs on those employers caught by this legislation. Labor just does not get business. While Senator Moore is passionate about the issue of workplace equality for women, as we all are, she hit the nail on the head when she said that she had only worked in the public service.
I spent 30 years in private enterprise before coming to this place, and it would be so much better if many people from the opposite side of the chamber had more experience in private enterprise so as to understand what this type of legislation does and means for business in the real world. It is those people, who are generating profits to employ more and more people, who we are looking to protect in our community. Not surprisingly, Labor has put forward yet another bill which panders to the union movement. The reporting requirements of eligible employers are designed to provide additional information, at the employer's expense, which may be used by the unions to mount wage and other claims against the employers based on this information.

Finally, under the bill the minister is given an excessive amount of discretion, which, for example, would allow the minister to change the principles in the supporting documentation to the bill, which would not be subject to the same level of scrutiny that would have occurred had these changes been incorporated in the same bill. In their submission to the Senate Standing Committee on Education, Employment and Workplace Relations inquiry into this bill, the Business Council of Australia state:

We believe the most effective way of encouraging the adoption of work arrangements that increase gender equality is through the provision of information that demonstrates the benefits of such arrangements, not by imposing additional reporting requirements on businesses. Further, we are disappointed that the regulatory compliance requirements would be imposed on all businesses employing 100 people or more regardless of their past performance and efforts to improve gender equality.

Once again, there is no understanding of what happens out there in the real workplaces in Australia.

Coalition senators in their dissenting report stated:

Coalition Senators remain unconvinced that the set up and ongoing costs required to be met by employers and the additional regulatory burden imposed by the Bill could be justified.

... ... ...

... Having reviewed the evidence before the committee, Coalition Senators are not convinced that the proposed legislation will in fact achieve the government's stated aims. Whilst the Government claims that the Bill seeks to promote gender equality in the workplace, in reality, this legislation is little more than an industrial mechanism designed to increase the role of unions in the workplace and provide them with greater industrial leverage.

Senator Cash, on behalf of the coalition, will move amendments which will seek to remove the inordinate level of discretion proposed to be provided to the minister; reintroduce provisions allowing the agency to waive public reporting requirements for relevant employers; insert a provision for the agency to give public acknowledgement to relevant employers who regularly meet compliance standards; and require the government, despite what it says it wants to do, to remove one regulation for relevant employers for each new regulation that it introduces as a result of this act.

The coalition, of course, has a number of real measures to help improve the opportunity and standing of women in the workplace. The difference between the two parties' policies is clearly seen in our approaches to paid parental leave. We on this side know that a substantial paid parental leave scheme and affordable child care are key to providing women and men the choice, flexibility and ability to make decisions about when and how they re-enter the workforce.

The coalition parental leave scheme will provide real time and real money to working
women, offering eligible women 26 weeks at their replacement wage of up to $75,000 per annum. Labor's Paid Parental Leave scheme, however, aside from being a welfare based scheme, does not include any superannuation. The coalition's paid parental leave scheme includes superannuation. Providing women on parental leave with their normal superannuation payments will mean that they will not be disadvantaged when they reach retirement age.

The coalition will not be supporting this bill in its current form. It adds regulation, red tape and additional burden on businesses without achieving real changes that further empower and equalise women in the workplace. I urge all on the other side of the chamber to embrace Senator Cash's amendments when they come.

Senator McKENZIE (Victoria) (11:32): I rise to speak today on the Equal Opportunity for Women in the Workplace Amendment Bill 2012. As Senator Edwards has just shared with the chamber, the coalition senators who were part of the inquiry into this piece of legislation submitted a fantastic—might I add—dissenting report authored by the shadow parliamentary secretary for the status of women, Senator Cash. I take this opportunity to thank her for her leadership in this regard and for her strong advocacy across a range of sectors for women right across our country.

This piece of legislation, unfortunately, is just another example of Labor's mythical invisibility cloak of progressive politics. Apparently, according to Labor, it is the only party that supports and advocates for the downtrodden, for women, for Indigenous people, for minorities, for the disabled, for society's most vulnerable. I argue against this bill not because I support the subjugation of, the objectification of or continued discrimination against women. Rather, I would like to acknowledge the contribution of women to our society and their rightful role in all areas of our workforce.

If you look at the bill, you will see that the bill proposes that its passing today will promote gender equality in the workplace, improve workforce participation of women and promote the importance of recognising gender pay equality and flexible workplaces to balance family and caring responsibilities—lofty goals, and I am confident that not one senator in this place would object to those policy principles. Today I shall outline why I believe that this bill will not deliver on these lofty objectives. It will set out a flawed plan and reflect the Labor strategy of smoke and mirrors: 'Nothing to see here, Senator Cash. Nothing to see here. Just keep on walking by.' And this is at more than $11 million cost to the Australian people.

First let us deal with the claims about the bill amending the name of the act. One of the big shifts is that we will change the name of the act to the Workplace Gender Equality Act 2012, supposedly to shift the focus of the act onto gender equality and improve workforce participation and workplace flexibility. So, by changing the name of the act, we are going to affect the reality on the ground around workforce participation and flexibility for women. The bill is going to change the name of the Equal Opportunity for Women in the Workplace Agency to the Workplace Gender Equality Agency and also change the title of the director of the agency to the Director of Workplace Gender Equality. Change the names? Why? Change the names? At what cost? Changing the names is just smoke and mirrors.

Amendments to section 2A of the act modify the principal objectives to include both genders. If we are now including men and women in ensuring equality around
workplace issues, my question is: why do we need it? I look forward to this act contributing to increasing the number of men in the teaching and nursing professions and increasing the number of young men in our society engaged in the aged-care facilities and caring for our elderly.

Proposed section 13 establishes a new reporting framework for businesses. As a former teacher, I know that just because you report on something does not mean to say that the behaviour changes. I have written many a report for young Johnny in year 7 that has not actually resulted in any change in his classroom behaviour. No matter how many times I told a student's parents that their child was disruptive and disorganised, the child did not change. Australian businesses will have additional reporting requirements, but—wait for it—there are no indicators. It is classic 'debate away, dear senators, on what you know not', because we do not have the detail. How can we perform the necessary role in the legislative process if we are not given the details?

The approach to this piece of legislation is typical. We are here trying to debate a framework on behalf of our communities where we do not know how this is going to play out—it has not been developed yet by the minister.

Labor has had years to work it out and to develop constructive criteria, meaningful indicators which would demonstrate that employment was equitable, and they have not. What we know is that this will be an increased burden on business. The coalition does not support legislation which is designed to increase the level of government interference in the workplace. The coalition has very real concern, as do commerce and industry groups, that this bill imposes increased regulation and red tape.

The bill will introduce a new reporting framework in which employers are required to report against gender equality indicators. It is not apparent just how the new reporting framework simplifies and streamlines reporting requirements for employers. Furthermore, an employer must prepare and lodge a public report containing information relating both to the employer and to gender equality indicators. The result will be an additional cost for a greater number of businesses, as evident from the provisions of the regulatory impact statement. This is a government that promised a one-in one-out policy on regulation, but—and I quote from our dissenting report:

... the government has broken this election promise by introducing an additional 16,163 regulations whilst repealing just 79.

Bear in mind that the urgency from this government to address gender equality in the workplace has been so great that this bill has been put off more times than I can count. We did this report for this piece of legislation back in May, so the figures could be a little out.

How much will this cost business? What will it look like? What about those businesses that fall under the 100-employee mark? This brings me to outlining the history of conservative initiatives that have furthered the cause of women having choices about how to live their lives, raise their families and interact in the workplace. We enacted the Equal Opportunity for Women in the Workplace Act 1999 and renamed and updated the Affirmative Action (Equal Employment Opportunity for Women) Act 1986. The 1999 act required private sector companies, not-for-profit community organisations, non-government schools, unions, group training companies and higher education institutions with 100 or more people to establish a workplace program to remove the barriers to women entering and
advancing in the organisation. That was done under the Howard government. We amended the Sex Discrimination Act to recognise breast feeding. The Nationals, quite a conservative entity within the coalition, were the first political party to recognise the issue of domestic violence. It was not the Greens or the Labor Party—it was the Nationals. It was first debated at one of our federal conferences in 1992. The first female federal president and federal director of any political party in Australia was in the National Party.

Sir Earle Page, Prime Minister for a whisker of time, founder of the Country Party and forefather of the Nationals, in the early 1920s had the vision and the demonstrated foresight to implement policies that would support women, women's issues and their families. As Treasurer and Deputy Prime Minister, together with then Prime Minister Bruce, Earle Page announced a royal commission into a national insurance scheme that would cover maternity, sickness and invalidity. Page was genuine and enthusiastic about this scheme, and he later became known as the father of health insurance.

The consultation report conducted in 2009 identified a number of barriers for women in the workforce, none of which are addressed by the name changes in this particular bill. I know other senators have made contributions around the sociocultural issues within our society that affect women's participation in the workforce—access to meaningful, high-quality child care is one of those, as are maternity leave provisions et cetera. The impact of caring, whether for children or for older women and aged parents, and its equity is down to the fact that families make the decision on how they will best run their lives, who will be working, who will be caring and how they will cut that cake. That should be applauded and supported, not seen as an issue that needs to be rectified.

Somehow it has become a problem for people—men or women—to choose not to work outside the home. I was privileged to be able to stay at home and care for my children for a decade. That was a choice and it had consequences, and as a family we decided to hold those consequences.

Ms Kelly O'Dwyer, the federal member for Higgins and my colleague from Victoria, made some points on this issue in an article in the Financial Review many months ago. She suggested that addressing the distortions in the tax system would be quite a good way to start addressing why women are not experiencing equitable participation in the workforce. We need to look at what things we have, structurally, in this country that incentivise certain behaviours and certain choices rather than assist women gain meaningful participation.

This bill does not deal with the issues of sexual harassment in the workplace, despite that being identified by research as one of the reasons women do not have equitable participation. As for bias in recruiting and selection in male dominated industry, I would like to hear the rhetoric from those opposite on the education, childcare, nursing and aged care sectors employment statistics, which are heavily weighted towards women, before they start complaining about women in mining being an issue.

Similarly, there seems to be poor data. Those opposite have had three years to get the data, and throughout this debate I am yet to hear any of it. The name and shame provisions in repealing item 46 mean that rather than reporting on programs within the workplace businesses now have to report against gender equality indicators that are developed by the minister without businesses having input into their construction.

We are going to have an esoteric conversation out in the ether, presumably
with people who know a lot about gender equality but not a lot about running a business and what that means on the ground. Again, it goes to the amount of time the minister has had to solve these problems without bringing anything meaningful to the table.

What I loved—I should not say 'loved'; I misspoke—what I found bemusing during our inquiry, which Senator Cash might remember, was a line of questioning that we were pursuing. In that line of questioning it became clear that this will only apply to private businesses. The public sector does not have to worry about it, and when we asked why the public sector did not need to report against these indicators et cetera we were told it did not need to. We were told that the public sector was A-okay, ripsnorting, although there was no evidence to back that up. I found it quite unnerving that one employment sector within our society can dictate to other employment sectors about how their businesses are to be run and what the expectations of society are as well as the indicators they have to report against. Yet only one sector has to comply, because someone has made an arbitrary decision that these guys are okay, but it is not a public decision. Around this area of gender equality the public sector is essentially self-regulating.

The Australian Chamber of Commerce and Industry member in my home state of Victoria, VECCI, is taking the lead and is a good example of a successful women's program in the private sector. It has a popular networking event called Women in Business which involves a presentation from a successful female business owner or industry leader. Maybe the reason more women choose to be in the public sector and so potentially accept lower wages is that public sector jobs have had quite generous maternity leave provisions compared with the private sector. Things have changed, and I believe that both employment sectors need to be treated the same. It seems hypocritical, but again that is nothing new from this government.

An extract from the KPMG report for the Office for Women review of the Equal Opportunity for Women in the Workplace Act consultation report of January 2012 noted:

The roundtables, individual interviews and public submissions all raised the suggestion that the coverage of the EOWW Act should be extended to government agencies, departments and statutory authorities.

One in, all in, I say. If we are going to have both genders covered under this act, let us make sure that we have all employers under the act as well. Is it going to cost more to add public servants? I am not sure. Won't it work? Are we worried it will not actually deliver on the outcomes? Will it add more work for the public sector? I am not sure. Public submissions considered the government should practice what it preaches. I am a big fan of walking the walk, so I look forward to support from the government for our amendments to ensure that the Equal Opportunity for Women in the Workplace Amendment Bill, now that it covers both genders, will also cover all employment sectors.

Let's face it, this is an election commitment that the Labor Party has to keep—one out of some would be nice. But it has not been in a hurry on this one. Promised in the 2010 election campaign, consultation derived a report which the government sat on for three years. When the government stands up and preaches that it is the champion of the downtrodden, the only progressive voice in this place, the only one pursuing equitable outcomes around employment participation, we just cannot take that at face value. The government's actions have not delivered.
These actions have spoken louder than the government's deeds. I am reminded of my school motto: factis non verbis. That is the only Latin I know, and the translation is: it is by deeds not by words. I think that is a good motto not only for my former school but also for life. I would like the government to walk the walk more on the legislation, rather than going out as it did a couple of weeks ago on the Murray-Darling Basin. The government seems to go out for a quick headline, a quick press release. We get the 30-second news grab flashed into the very busy lives of real working Australian families for their consumption. Meanwhile, for all its crocodile tears about equity in employment participation, the government sat on this for three years. It is simply not good enough.

We reported on this in May, and here we are close to December. Whichever way you cut it, it is a smoky deal. If you believe the rhetoric of progressives that it is so good, sign up for it. I know we will not be.

Senator XENOPHON (South Australia) (11:51): This to me is not about left or right, or right or wrong; it is about fairness. That is why I support the government's intentions in relation to this bill. No-one of either gender should be discriminated against in the workplace. Any behaviour of this sort is unethical and abhorrent. I think there is consensus in this chamber and everybody shares that view. The question is: what is the best? I think I got an affirmation from Senator McKenzie as she was leaving the chamber. It was not quite an interjection, but clearly there is no question that we all agree that any form of discrimination in the workplace is abhorrent and unethical. What is the best mechanism to achieve equity?

No bill is perfect; this bill is not perfect. But I believe that this bill does advance those issues of fairness and equity, and that is why I will be supporting it.

So I acknowledge that the government's intentions in amending this act to ensure fairness and equity emphasise this point, but we cannot and must not ignore the fact that women are still far more likely to need the protection of this act than men. That is pretty axiomatic if you look at the statistics and the research. I do not speak on behalf of women; thankfully, they do not need others to speak for them any longer. But I speak because I believe that men and women deserve equal rights, equal opportunities, equal protections and equal freedoms. Even in Australia that is not always the case. It has been 110 years since women won the right to vote federally in Australia and 91 years since the first woman was elected to a parliament in Australia—Edith Cowan, to the Western Australian Legislative Assembly. In my home state of South Australia we really led the way in many respects in terms of the right of women to vote and stand for parliament.

There is a lot of discussion about how far women's rights have come. In fact, if you speak to many young women and girls they believe women and men have equal rights in our society and the fight is over. But the whole issue of equity and fairness must continue to be debated and must be at the forefront of our minds in determining good public policy. We are no longer in the days when women had to starve, chain themselves to railings or throw themselves under horses to get people to listen to their pleas, and we know of the valour of the women in the suffragette movement over 100 years ago. But that does not mean there is no longer a plea to be heard.

In February 2010 the Review of Equal Opportunity for Women in the Workplace Act 1999 consultation report was released. This report was quite revealing. It found that women are overrepresented in areas of study linked to lower-earning industries, while...
men are overrepresented in the areas linked to higher-earning industries. It found that female-dominated industries have historically been undervalued and that women are less likely than men to be in leadership positions. It found that women are likely to earn less over their lifetimes than men for the same type of work. And it found that Australia is lagging behind other developed countries on a number of key indicators, including economic participation opportunity, education attainment, political empowerment, and health and survival. Compared with other OECD countries with similar tertiary education levels, Australia has the fifth-largest pay gap between men and women. Research by Goldman Sachs and JBWere found that closing this gap would improve Australia's gross domestic product by 11 per cent. Australia's ranking in the World Economic Forum's global gender index dropped from 15th in 2006 to 20th in 2009, behind New Zealand, the United Kingdom, South Africa and the Philippines. Only 58.7 per cent of Australian women over 15 are in the labour force, making up 45.3 per cent of the total labour force. In comparison, 72.1 per cent of Australian men are in the workforce.

The ACTU's submission to the committee inquiry into this bill stated:

Despite making up half the workforce, women in full-time paid work still earn 17.8 per cent less than men in full-time paid work, amounting to over $1 million less over a lifetime. Women are now more likely to have a tertiary qualification than men but women graduates will earn $2,000 less than male graduates and $7,400 less by the fifth year after graduation. Fewer than three per cent of ASX 200 companies have a female chief executive officer, 8.4 per cent of board directors are women and only eight per cent of executive managers of Australian companies are women. Women retire with less than half the amount of savings in their superannuation accounts than men and women are four times more likely to experience sexual harassment and discrimination in the workplace compared to men.

Whatever disagreements I may have from time to time with the ACTU, I think that those figures speak for themselves. They are based on research and facts and they ought to be noted very carefully.

Many of these disadvantages can be tied to motherhood. We do not make enough allowances for women who are mothers getting back into the workforce. We have seen the legislative amendments in terms of paid parental leave that this government passed, and they are welcome. But I also think that the coalition's plans for a more generous scheme have a lot of merit. That is something that we must continue to debate and discuss. We need to have more flexibility and more support in our workplaces so that women are more likely to take time off to have children and then return to the workplace. So that level of flexibility is crucial and I do not think we have done enough in relation to that.

I acknowledge the difference a paid parental leave scheme will make in Australia but we were among the last to join in the chorus and we must make up for lost time, and we need to look at a more generous scheme. We need to take into account the costs of such a scheme but also the impact that such a scheme will have on our national productivity and our participation in the workplace. Because of this, many women simply do not have, or have not had, the same opportunities as men to plan for their retirement and I think that is a real issue, a sleeper of an issue that needs to be debated and discussed even more. One of the main aims of the feminist movement is to ensure that women have greater financial independence, to reduce women's financial dependence on men. I do not think that is a bad thing. But still, so many years later, women face financial disadvantage if for
whatever reason they end up, in post-retirement in their senior years, without a partner. So these are big issues. And this issue of lack of retirement income for women is a pressing issue that I believe we need to address with a great degree of urgency in our public policy area, because equity demands it.

We have come a long way but it is disingenuous in the extreme to believe we do not have a long way to go. In some parts of the world women face violence, starvation and treatment as second-class citizens. In other parts of the world, including the United States, there are still challenges to hard-won rights and freedoms. It is important to put that in context. Just because in relative terms women in a developed country do not face the same challenges as in a developing country in terms of discrimination and a lack of rights, that does not mean that there are not still challenges that must be addressed and dealt with. It is not the case that we should excuse smaller indiscretions here because they pale into insignificance when compared with the callous disregard for female life elsewhere. I think we should be smart enough, generous enough and brave enough to fight for fairness.

We should not pretend that we have reached a place where women and men face equal levels of discrimination in the workplace. Ideally, no-one would face such discrimination, but the facts are plain. Unless the facts are highlighted—unless we continue to ensure that the inequities, inequalities and discrepancies that I have referred to, which are real and present and completely unfair, are highlighted unambiguously—we will continue to become more complacent and to put off the fight for another day.

Go up to any person in the street. Most men would never consider women inferior and most women would never stand for anyone else who did. But what a person might never see or experience in their life is very different from the big picture. Over the years, this assumption of equality has led to fewer and fewer resources being devoted to organisations and agencies promoting true equality. Everyone knows what they say and how dangerous it is to make assumptions. So I say to my colleagues: there is much more to be done. I say to business and union leaders: there is much more to be done. To the generations of women yet to enter the workforce, I say: in this place, I promise you that the fight for fairness is not over. I believe this bill is a useful first step, but the figures speak for themselves. The fact that from 2006 to 2009 we slipped behind our OECD neighbours in relative terms indicates that there is something wrong. We must continue to ensure that the notion of fairness, equity and a fair go for all is axiomatic in our society. I believe that this bill goes some way in achieving that. I support the bill.

Senator RONALDSON (Victoria) (12:01): I am very pleased to rise to speak on the Equal Opportunity for Women in the Workplace Amendment Bill 2012. This amendment bill comes after KPMG published its review of the EOWWA legislation back in 2009, giving the Labor Party three long years to get their act together and to put forward proper legislation to advance gender equality.

Instead, we have an amendment bill that imposes more red tape on business and which may well have the opposite effect of reducing opportunities for women in the workplace. That is, if businesses know that they have to engage in more compliance to deal with gender equity issues, might this not potentially hinder women seeking employment?

The coalition passionately believes in minimal government and not interfering with
business when they want to employ people. That is why we have set up a deregulation task force, chaired by Senator Arthur Sinodinos, to cut $1 billion worth of red tape. We believe this, in conjunction with other measures, will provide greater incentives for businesses to employ women. As my colleague Senator Michaelia Cash, who is in the chamber today, has said, in this amendment bill there are:

- half-finished measures that are not just unclear but also provide for inordinate Ministerial discretion over what is to be reported under the Gender Equality Indicators.

Yet again, I note another act by the Australian Labor Party of delegating powers. It is no wonder we are seeing a huge growth in regulations. As Senator Cash has pointed out, the coalition stands against legislation which 'provides such a broad-ranging ministerial discretion', allows for ministers to do what they like and ties business up in further red tape.

Labor's Minister for the Status of Women, Ms Julie Collins, claims that this amendment bill reforms the Equal Opportunity for Women in the Workplace Agency to help address pay equity in Australia. However, Ms Collins and Labor have failed to demonstrate how this legislation will make a real difference to gender equality. Indeed, I question whether this is just more spin over substance on the issue of gender equity from the Labor Party.

When looking at the actual substance of the matter, we see that gender equity has in fact gone backwards in this country under the current Labor government. Let me point out some examples. Under Labor, Australia's global gender equality ranking, according to the World Economic Forum's Global gender gap report 2012, dropped from 15 in 2006 to 25 in 2012. The August 2012 data from the Equal Opportunity for Women in the Workplace Agency shows that the gender pay gap has stagnated at 17.5 per cent, which is about $252.80 per week. The gender pay gap in the financial and insurance sector is even higher at about 32.7 per cent. And, as Senator Cash has stated, it has 'taken Labor more than two years to appoint a Director for the Office for Women'. This shows the utterly duplicious behaviour of the Australian Labor Party over the last few months, no more clearly shown than by the disgraceful comments from the Prime Minister directed at the Leader of the Opposition during the October parliamentary sittings. This beggared belief when the Leader of the Opposition had simply called out the obvious misogynistic comments in the text messages of the now former Speaker, Peter Slipper. But, instead of condemning these comments, the Prime Minister hypocritically supported the former Speaker and, by default, his behaviour.

I want to talk today about the coalition's, the Liberal Party's and, indeed, the Leader of the Opposition's support for women. The Liberal Party has a profound history in that regard. I am proud of the Liberal Party and the coalition's achievements in supporting women in the workplace and gender equality, and the countless occasions when the Leader of the Opposition, Tony Abbott, has taken direct action to empower women and to advance gender equality. History will show that the Labor Party talks the talk but never walks the walk in this regard. As noted in a media release issued by Senator Cash in September this year, the coalition is absolutely committed to creating equal opportunity 'and that includes supporting gender equity in the workplace'. She also noted the coalition's strong belief that 'all Australian women and men are entitled to have an equal chance to contribute to society in a way that creates benefits to them, their families and their communities'.
On this note, I want to raise today what the Liberal Party has done, from its inception, to give women equal opportunities. It is indeed a proud record. When the Liberal Party was first established in 1944, its founder and former Prime Minister, Sir Robert Menzies, said at the Albury Conference:

Women are unquestionably destined to exercise more and more influence upon practical politics in Australia ... In the educating of the electorate in liberal ideas they have for many years been an effective force. Now we have an organisation in which all distinctions have gone, and with men and women working equally for the one body ...

Tom Ritchie, the first federal president, then told the inaugural Federal Council in 1945:

... too much importance cannot be placed on the role which women must play in politics. The Federal Women's Committee was established at this inaugural meeting and continues its active engagement today.

Throughout 1945 and beyond, women flocked to the Liberal Party. In 1994, Ian Hancock, former Harold White Fellow, pointed out in a lecture to the National Library of Australia in Canberra that 'the Australian Women's National League, a major contributor to non-Labor politics, especially in Victoria, turned over its funds and material assets to the Liberal Party'. Hancock also made the point that many people would not have been aware that, from the party's inception, measures that would today be described as affirmative action were built into the Liberal Party. For example, women in Victoria were given equal representation on all committees and councils—notably, May Couchman and Edith Haynes. Each of the other divisions also established separate women's sections, and the party formed a federal women's committee, whose 'chairman', as she was known, was an ex officio member of the Liberal Party. There are no faceless men or women in our party; indeed, there are no quotas in our party.

Many of the firsts for women in politics were achieved by women in the Liberal Party. Dame Enid Lyons was the first woman to be elected to the Australian House of Representatives—in 1943, for the United Australia Party, and then as a member of the Liberal Party. She was also the first woman appointed to the federal cabinet, in 1949, under the first Menzies Liberal government, when she became vice-president of the Executive Council. In 1947, Senator Annabelle Rankin became the first woman to hold the position of Opposition Whip in the Senate and then became Government Whip in 1951. In 1966, Senator Rankin then became the Minister for Housing, under the Holt Liberal government, thus becoming the first woman to administer a federal government department.

In 1949, Eileen Furley was elected vice-president of the party. She went on to become the first woman representing the Liberal Party in the New South Wales Legislative Council. In 1968, Senator Ivy Wedgewood became the first woman to chair a Senate committee. In 1975, Senator Margaret Guilfoyle became the first woman senator to be a member of the cabinet, under the Fraser Liberal government. From 1974 to 2001, Kathy Sullivan of the Liberal Party served longer in parliament than any other woman—over 27 years. She was also the first woman to serve in both houses of parliament.

In 1996, the Howard Liberal government became the first to appoint two women cabinet ministers and then expanded that to three in 2006. This compared with Labor's previous record of one woman cabinet minister. In 1996, Senator Margaret Reid became the first woman President of the Senate, under the Howard government.
2000, Jackie Kelly of the Liberal Party became the first serving Australian minister to give birth while in office. In 2001, under the Howard Liberal government, Senator Helen Coonan was the first woman to hold an Australian Treasury portfolio since Federation. In 2006, she also became the first women to be Deputy Leader of the Government in the Senate. Senator Amanda Vanstone of the Liberal Party, who served from 1984 to 2007, remains the longest-serving female senator and the longest-serving female cabinet minister in Australia's history.

As well-known Australian feminist Professor Deborah Brennan has pointed out, 'Liberal women have had many more guaranteed opportunities within their party organisation than their Labor sisters—all done without quotas, I again note.

The Liberal Party, as part of the coalition, has also made enormous achievements for women and gender equality since first coming to government in 1949. In her article on Liberal women Deputy Leader of the Opposition Julie Bishop pointed out that 'under the Menzies government, between 1949 and 1966, policies were introduced relating to child endowment and a national health scheme, and women's workforce participation was substantially lifted during this period, with the Liberal Party's postwar policies actively encouraging female workforce participation'.

Between 1966 and 1972 the Holt, Gorton and McMahon governments introduced policies to protect deserted wives. Equal pay legislation was also introduced, a great achievement for women's equality. Between 1975 and 1983, under the Fraser government, a family income supplement scheme to help low-income families was introduced. Australia also signed the Convention on the Elimination of Discrimination Against Women, showing Australia's commitment to the rights it enshrines. This led to the establishment of the Office of the Sex Discrimination Commissioner. After signing the convention, the then Attorney-General the Hon. Robert Elicott and the then foreign minister the Hon. Andrew Peacock said that the signing evidenced 'Australia's policy of equality for women and the elimination of discrimination'. This was done under a coalition government, I again hasten to add.

From 1996 to 2007 the Howard government saw women's participation in the higher levels of education exceed that of men, with more women than men completing year 12. The number of women on Australian government boards and bodies also increased to over 33 per cent. Policies were introduced including a 'Women's Safety Agenda', which included the national 'Violence Against Women, Australia Says No' campaign and the associated national 24-hour phone helpline. Since the campaign was launched, in 2004, it has now received more than 73,000 calls.

As also mentioned in the article on Liberal women by Julie Bishop, the Howard government introduced measures to allow women to better prepare for their retirement through improvements to superannuation. The coalition also introduced the baby bonus in 2004 and, as Ms Bishop said, the Howard government was responsible for 'substantial increases in the rates of family benefits, the provision of extra childcare places, the introduction of the childcare tax rebate and the encouragement of flexible family-friendly work practices'.

However, the Liberal Party's achievements are not just historical. The coalition and the Liberal Party are today more active than ever in supporting women's equality. Let us look at what the coalition has actually done and what it proposes to do. I
particularly want to focus on what the Leader of the Opposition, Tony Abbott, has done and proposes to do given the politically motivated attacks of recent times—politically motivated attacks which have been viewed by the Australian community as well beyond the pale and way beyond what is acceptable practice.

When the Leader of the Opposition was health minister, he increased screening programs for cervical cancer, resulting in a steady decline in Australia's cancer rate. He increased mental health services, including a beyondblue initiative to address perinatal depression. Of course, the coalition was responsible in helping to set up the beyondblue national depression initiative to begin with, contributing $17.5 million of Commonwealth funds over five years, with substantial contributions also coming in from the states and territories. He announced funding for the cancer vaccine, Gardasil, committing $1 million to the establishment and initial operation of the Centre for Gynaecological Cancer, and introduced the National Pregnancy Support Telephone Helpline, providing non-directive counselling advice 24 hours a day. As minister for employment, the Leader of the Opposition amended the Sex Discrimination Act to explicitly recognise discrimination in the workplace on the ground of breastfeeding as unlawful. He announced the $1.7 billion Australians Working Together package, including $251 million to support parents returning to work, the vast majority being women. In 2000, he enacted the Equal Opportunity for Women in the Workplace Act 1999.

The coalition has a proud record and the Leader of the Opposition intends to implement further support for women if given the great honour to lead this country. If the coalition gains government at the next election, the Leader of the Opposition has proposed a comprehensive paid parental leave scheme. This is at a replacement wage of up to $75,000 per annum, including superannuation, instead of the minimum wage proposed by Labor. This scheme will enable women to stay in and re-enter the workforce and to breastfeed their newborn for the recommended minimum of six months, if indeed they can. It will also assist to increase the birth rate and, thus, in the long term will assist in increasing overall productivity, which I have talked about in other speeches in this chamber.

The coalition will be putting forward amendments during the committee stage of today's amendments. The coalition's amendments are designed to lessen the discretion that this amendment bill bestows upon the minister and to reintroduce provisions allowing the agency to waive public reporting requirements for relevant employers. Furthermore, the coalition has just announced a Productivity Commission review into child care. This will ensure that child care is more accessible, affordable and flexible for Australian parents. This compares to Labor's policies, which have resulted in the cost of child care rising by more than 20 per cent since Julia Gillard became Prime Minister. As I have outlined today, the evidence clearly supports the fact that the coalition, the Liberal Party and Tony Abbott have initiated policies and programs that have had a real effect on advancing gender equality. It has also led by example by promoting women in the party through
merit. The coalition and Tony Abbott continue to promote such policies.

It is time Labor stopped its spin and its politically motivated and direct personal attacks and started taking substantial action to improve the lot of Australian women. Labor talks the talk but does not walk the walk when it comes to the economic empowerment of women. Grubby and cheap political attacks are no substitute for real action on behalf of all Australian women.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:19): As I rise to speak today on the Equal Opportunity for Women in the Workplace Amendment Bill 2012, I would like to associate myself with the comments that Senator Ronaldson just made. I make one point very clear from the outset: the coalition has, does and always will value the essential contribution of women to the workforce. The coalition has a strong record of promoting policies that benefit women. In government, we will introduce the most important policy for women and their participation in the workforce that this country has ever seen: an unrivalled paid parental leave scheme that will do wonders for the financial security of women.

The coalition is dedicated to closing the gap between the participation of men and women, which is what this bill allegedly sets out to achieve. It is a bill that apparently makes a commitment to support gender equality and to improve workforce participation and workforce flexibility through the amendment of the Equal Opportunity for Women in the Workplace Act 1999. But the practical reality of this bill and its likely impact on women is a far cry from those lofty claims. The practical reality is that the measures introduced by this bill will do little more than increase red tape for business without providing one iota of real change to the daily lives of women who are balancing work and family responsibilities.

The Gillard Labor government does nothing more than pay lip service to the issues facing Australian women. On the opposite side of this chamber, they are lining up to espouse the virtues of the changes embodied in this legislation, yet it has been more than three years since the government announced a review of the Equal Opportunity for Women in the Workplace Act 1999, in June 2009. Labor claims to be making the participation of women a priority, but the truth is revealed in the number of times this legislation was pushed to the bottom of the legislative agenda in the other place and the gaping holes in what we have before us today.

KPMG provided a comprehensive report in relation to the review. It is now three years on from this review and report, and the minister has still not defined critical parts of the bill seeking to amend the act. The discretion available to the minister under this bill is excessive.

Under this bill, employers are required to lodge a public report containing information relating to gender equality indicators. 'What are these indicators?' it would be reasonable enough to ask. It appears that that is a question the government itself has not yet been able to answer, despite having years to formulate an answer and work one out. This legislation will enable the minister to develop these indicators over time. To quote the government: 'The legislation will enable the minister to set industry-specific minimum standards in consultation with industry and experts. These minimum standards will have to be determined before April 2014.' How long does it take this government to work things out? The government has had three years to develop the minimum standards, but we do not have
any. Instead, we are being asked to pass this legislation and let the minister decide exactly what it means later on—just extraordinary stuff! The government is putting yet more burdens on business—more red tape—but it has not even had the decency to forewarn exactly what will be expected of business under this new legislation. What exactly will business have to report on in terms of these so-called gender inequality indicators?

Furthermore, the minister is directed to develop these standards in consultation with the agency and stakeholders. There is no mention—hardly surprising, given this Labor government's track record—of consulting with the very people who were forced to report on their adherence to these standards: the employers. There is no mention of them whatsoever. There is also no indication of what is meant by 'industry-specific standards'. Will the government seek to target particular industries? We do not know. It is ludicrous and once again shows Labor's failure to grasp how businesses operate and the impost that every extra regulation puts on businesses.

On this side of the chamber, we understand the daily pressures that businesses already face and are not seeking to increase them. In fact, with our deregulation task force chaired by my colleague, Senator Arthur Sinodinos, we are working hard to find ways to reduce the regulation the government puts on business, instead allowing businesses to get on with the job of employing people and providing quality goods and services to the community. In the current economic climate, when businesses are already stretched and doing it tough, the coalition cannot support this government interference which, at best, will just create another layer of work, another layer of red tape and more cost for businesses but which also poses a significant threat. And for what? For little gain, I would suggest. But I will return to that in a moment.

Employers are legitimately concerned about how the information they will be required to provide on gender equality indicators could be misused. The Australian Chamber of Commerce and Industry chief executive, Peter Anderson, raised these concerns on behalf of business earlier in the year, with the chamber explaining that: 'Employers remain concerned that unions will use this information on wage levels at a particular company to ask for industry-wide wage rises.' That is a very real concern for business, as is the thinly-veiled threat by the government that those businesses that do not meet the standards will miss out on government contracts and even, I hate to say, be named and shamed. Let me quote the minister on this:

Consequences for non-compliance, without reasonable excuse, include naming the employer in a report to the minister or naming the employer by other means.

Talk about Big Brother! It reminds me of a parent scolding a naughty child.

The ability for the agency to waive reporting requirements will also be repealed by this bill. Rather than adopting the approach advocated by the Ai Group in its submission to the KPMG review and introducing positive recognition for businesses submitting regular reports and meeting standards, the government has chosen the path of being heavy-handed. The newly named Workplace Gender Equality Agency will be given the ability to check compliance by requiring an employer to give the agency information relating to the employer's compliance with the act or the employer's performance against minimum standards. It is a watered-down version of the former minister Kate Ellis's spot checks, which she announced and then quickly back-pedalled from in 2011.
The regulatory impact statement makes it quite clear that businesses that are selected for these compliance checks will pay for it. It is expected that there will be a time burden as well as a cost burden of approximately $1,300, and it is worth noting that this figure of $1,300 is for businesses which have kept the appropriate and accessible records. So who knows what the cost implications will be for those businesses that are not up to speed on the government's gender equality indicators?

At this stage, the regulatory burden will be based on businesses with 100 or more employees. But, given this government's track record, I wonder how long it will be before small businesses are also imposed upon. The general principles of the act are expressed to apply to all employers, meaning that the agency will have scope to consider small business when developing strategies and resources. And, as I said, I wonder how long it will be before the government seeks to extend its interference and develop another layer of red tape for small business.

Mr Deputy President Parry, you may have noted the shortage of references to women in my discussion of this bill so far, and that is for a very good reason. It is because I do not believe that this bill will make one iota of difference for working women—not one jot of difference.

I have noted the increase in red tape and the prohibitive costs for businesses and the antipathy that we expect that it is likely to create.

I note that Labor have done what they always do—they have made some name changes. This seems to be a favourite tool—or, dare I say, even trick—that those on the other side of the chamber and those in the other place use. They love shuffling words around in an effort to hoodwink the public into thinking that some significant change has been made when in actual fact that is far from the truth. The government are changing the name of the act to the Workplace Gender Equality Act, they are changing the name of the Equal Opportunity for Women in the Workplace Agency to the Workplace Gender Equality Agency and they are changing the director's title to Director of Workplace Gender Equality. What a farce. What a lot of words and a lot of rhetoric—but who knows what those name changes mean and how they will, in reality, improve the lives of women in the workforce?

I share the view of my respected colleague in the other place, the Hon. Bronwyn Bishop, who has been a strident supporter of gender equality for many, many years, who has extensive experience in promoting the contribution of women in the workforce and who has described this legislation as 'the sort of thing you would expect from a totalitarian regime' and something which would encourage 'tokenism and the promotion of women simply because they are women'.

While Labor have long been fans of quotas and politically correct gestures in the name of benefitting women, we on this side of the chamber realise just how ineffective and empty that approach is. In fact, tokenism, I would suggest, can have the opposite effect and in fact undermine the contributions that women make. No woman I know wants to be hired or promoted because of her gender. We want our achievements to be recognised and rewarded for what they are. Through my whole working life I have been accustomed to working in predominantly male environments—with more male colleagues than female colleagues—and I cannot stress enough how much I have appreciated, and continue to appreciate, being judged on my contributions. To be judged otherwise is personally abhorrent to me, as I know it is to
my female colleagues who work tirelessly and effectively for their constituents.

Of course, countless women like me have had children and juggle family and work responsibilities. While increasing numbers of women are choosing to return to work after having children, there is still a lot more to be done to boost women's participation in the workforce. But to do this we need to introduce legislation that will have a real impact—not just words, not just changing the titles of directors—and actually change the way that women can run their lives. This is not rhetoric, and this is where the coalition's paid parental leave scheme comes in. At the core of this scheme is the coalition's commitment to maintaining the financial security of women. This scheme will ensure that women are not being paid at less than their normal rate of pay when they take time off following their child's birth. Women would be allowed to have 26 weeks of parental leave at their replacement wage of up to $75,000. The scheme also includes superannuation, to ensure that women are not, as is often the case now, disadvantaged when they retire. That is what I call equal opportunity.

To make substantive changes to women's workforce participation we need to introduce policies that encourage and enable women to have children and then return to work—not policies that punish businesses for failing to adhere to arbitrary standards imposed by a minister. That is the way forward for women. Women do not want political correctness, unless—although I hesitate to say this—you are on the opposite side of the chamber. Political correctness does not make one iota of difference to our ability to balance work and family. Women want a paid parental leave scheme that values their contributions and they need affordable childcare.

I urge the government to reconsider this legislation and to seriously consider the coalition's paid parental leave scheme—a scheme that would achieve so much that this legislation apparently sets out to do but will fail to do. The coalition remains committed to equal opportunity and increasing women's participation in the workforce, but we want to make a real difference to the lives of women—not just make a few tokenistic changes.

Debate adjourned.

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

**BUSINESS**

**Days and Hours of Meeting**

Senator **JACINTA COLLINS** (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:36): I move:

That—

(1) On Tuesday, 20 November 2012:

(a) the hours of meeting shall be 11 am to 6.30 pm and 7.30 pm to adjournment;

(b) the routine of business from not later than 7.30 pm shall be government business only; and

(c) the question for the adjournment of the Senate shall be proposed at 10 pm.

(2) On Thursday, 22 November 2012:

(a) the hours of meeting shall be 9.30 am to 6 pm and 7 pm to 10.40 pm;

(b) divisions may take place after 4.30 pm;

(c) consideration of committee reports, government responses and Auditor-General's reports shall not be proceeded with;

(d) the routine of business from not later than 7 pm shall be government business only; and

(e) the question for the adjournment of the Senate shall be proposed at 10 pm.

I commence by acknowledging that there has been considerable cooperation on debate of legislation in these Spring sittings. The
Senate has dealt with several packages with very tight implementation deadlines in the past few months. Though the different packages have not necessarily been supported by all of the chamber, the chamber has worked effectively to deal with these packages.

I had hoped that we could continue to work effectively to deliver the remainder of the government's legislative program for this year, with some additional agreed hours for this week and the next; but, unfortunately, it seems this will not be possible.

I note that while the Greens and Senators Madigan and Xenophon are supportive of the relatively minor increase in hours set out in this motion, the opposition is not prepared to support this motion today. I regret that this is the case, as I do believe that there is capacity for the chamber to reach agreement on reasonable ways to handle the government's legislative program with minimal disruption to senators and their work outside the chamber. Providing some additional hours for government business in two evenings this week is an effective way of achieving this. I note that agreement on a schedule of non-controversial legislation for Thursdays, including the various bills listed for passage in the timeslot this Thursday, demonstrates that cooperation is possible. Again I place on record that the government appreciates this cooperation and seeks to extend it with this motion for additional hours.

The additional hours as set out in the motion are not excessive. They provide an additional five or so hours of government business time this week. The motion does not seek to curtail opportunities for general business and it seeks to trim just small amounts of time on government documents. This debate time is routinely not used or not used to its full extent. It is very typical for the Senate to provide for additional time to handle government legislation at this stage of the sittings. I believe that the additional hours in this motion are moderate. This is a reasonable approach to adding to government business time in the second-last week of the sittings for 2012, and I commend the motion to the chamber.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (12:39): The opposition comes to this motion bringing to bear our usual reasonableness. I think Senator Collins has mischaracterised the opposition. We have been, I think, a particularly cooperative opposition in terms of the management of the chamber. On many occasions we have ceded our own time to facilitate the passage of legislation through this place. On a number of occasions we have ceded our private senator's business time on a Thursday morning to facilitate the passage of legislation. In fact, the bill that we were just debating was being debated because the opposition agreed to the Senate sitting an hour and a half earlier—again to facilitate the good working of this chamber. So we are not opposed per se to extending hours or varying arrangements; we look at these things on a case-by-case basis. But we have a hesitancy with this particular motion because, as we get towards the end of the year, we will never get a guarantee from the other side that they will refuse to deploy the gag, that they will refuse to guillotine. We would never get that undertaking from the government.

We are seeing now what we tend to see at this time each year, and that is a contradictory approach by the government. On the one hand they are seeking additional hours, but we all know that next week we will see guillotine motions and we will see the gag deployed. What the government is seeking to give in terms of hours to the chamber for debate, they will take away at
the end of the sitting period. So there will probably be no net difference in the actual number of hours that are dedicated for the debate of legislation. It is perverse to say, 'We are going to extend hours' and then say next week, 'We are going to gag.' There is an inherent contradiction there.

This motion and the motions which we will no doubt see in the days to come ultimately reflect the government's chronic incapacity to manage the business of the government in this chamber within the hours and the days that they set. We should not forget that it is the government that set the number of sitting days. It is the government that list the legislation for government business time, that list the priority, that list the order. It is entirely within the government's capacity to manage the legislative agenda within the bounds that they themselves set. They set the days and they list the legislation. If they are having difficulty managing within the bounds that they have set, then perhaps they should consider allocating additional sitting days when they set the sitting program. Perhaps the government should consider a more cooperative approach with the parties in this place to facilitate the debate and passage of legislation.

If we thought that there was behind this motion a genuine intent to make this place work better, we might be minded to support it. But we know what is coming next week. We know the gag is coming, we know the guillotine is coming. This government is not only manifestly incompetent when it comes to managing the affairs of government; it is the same in relation to the legislative program. I cannot level the blame entirely at those sitting opposite me; I think Mr Albanese needs to take a fair share of the responsibility for the mismanagement of the legislative program in this place.

I do not want to unduly detain the chamber but I think it is important for the record to show that there is not goodwill behind this motion and that we will see contradictory behaviour by the government next week when we see them go back to their old habits. I have been in this place for eight or so years. Senator Macdonald has been in this place longer than anyone who is presently here in the chamber. I know that in my experience—and, I would hazard a guess, probably in his experience as well—I have never seen so many attempts to vary the hours and the routine of business as we have seen under this government. We are not seeing orderly management. It is something that the government may want to reflect on over the summer break.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:44): I move:

That the question be now put.

The PRESIDENT: The question is that the motion moved by Senator Collins that the question be now put be agreed to:

The Senate divided. [12:49]

(1) Ayes ...................... 38
Noes ...................... 30
Majority ............... 8

AYES

Bilyk, CL ........................................ Bishops, DK
Brown, CL (teller) ............... Cameron, DN
Carr, KJ ......................................... Carr, RJ
Collins, JMA ....................... Conroy, SM
Crossin, P .......................... Di Natale, R
Farrell, D ......................... Faulkner, J
Feehey, D ....................... Furner, ML
Gallacher, AM ................. Hanson-Young, SC
Hogg, JJ .......................... Ludlam, S
Ludwig, JW ....................... Lundy, KA
Madigan, JJ .................... Marshall, GM
McEwen, A ..................... McLucas, J
Milne, C .......................... Moore, CM
The question is that the original motion moved by Senator Collins be agreed to.

The Senate divided. [12:52]

Question agreed to.

Consideration of Legislation

Senator JACINTA COLLINS

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Water Amendment (Long-term Average Sustainable
Diversion Limit Adjustment) Bill 2012, allowing it to be considered during this period of sittings. Passing this motion to exempt the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012 will allow debate on this bill later today. The bill needs to be passed to allow Minister Burke to receive the final Murray-Darling Basin Plan. The basin plan can be tabled in parliament before the end of this year. Tabling the plan will give certainty to environmental protection benchmarks and to communities in the basin. These are significant processes for delivering the Murray-Darling Basin Plan, important for both the health of the rivers in eastern Australia and the health of the people who live in these areas.

I recognise that there have been calls for the passage of this amendment bill to be delayed until further legislation is introduced. The Greens have called for this bill to be delayed until it can be considered with the special account bill for the plan. I am advised that the changes the Greens want to the plan are only achievable through the special account bill. Passage of this amendment bill will not affect consideration of amendments to the special account bill, but its delay will halt progress on the tabling of the basin plan and therefore progress on implementation of the plan. Regardless of opinions about the details of the basin plan, this would not be a constructive delay.

I also note that this amendment bill has been considered by both House and Senate committees. With this level of scrutiny, all senators should be in a position to vote on this bill notwithstanding their views on other legislation. Likewise, I think I can say that all senators want to see what a final plan looks like. Just to be very clear, the Murray-Darling Basin Authority cannot complete the next stage of the process and give Minister Burke the final plan until this bill is passed. The Senate should allow debate on the amendment bill to progress today, and I recommend this exemption motion to the chamber.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (12:57): The coalition will be supporting this motion on the premise that, after a long period of negotiations, this bill deals with a section within the plan that is there in any case. It is the streamlining of a section that is already there. We have sought and obtained the capacity of the minister to retain oversight and the ability to have the final say, in agreement or otherwise, on decisions that may be made in applying this limit, this five per cent up or down of the total extractions, which is the equivalent of about 710 giga-litres, a substantial amount of water. That capacity remains with the minister and it is disallowable by the parliament.

We also look forward to seeing the plan. We give no precise recommendation here as to what our position is on the plan, because at this point in time the plan has not been finally tabled. But, to give a sense of the cooperation that the public and our political adversaries sometimes say that we do not show, we have been negotiating on this in good faith for a long period of time. In this instance we have been asked to and we have allowed the government to progress with this piece of legislation, noting that this is not the final plan. It is also not the 450-giga-litre, $1.77 billion account, which is yet to come. It is merely the streamlining of a piece of legislation that is already documented in the plan in another form and could, in another form, already happen.

Question agreed to.

Consideration of Legislation

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary
Secretary for School Education and Workplace Relations) (12:59): I table statements of reasons relating to the Fair Entitlements Guarantee Bill 2012 and the Fair Work Amendment (Transfer of Business) Bill 2012 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 2012 SPRING SITTINGS
FAIR ENTITLEMENTS GUARANTEE BILL

Purpose of the Bill
The bill creates a statutory scheme to replace the existing General Employee Entitlements and Redundancy Scheme (GEERS). GEERS is an administrative scheme that is governed by Operation Arrangements.

Reasons for Urgency
The bill requires passage in the 2012 Spring sittings as a public commitment has been made to have the Fair Entitlements Guarantee operational by the end of 2012.

STATEMENT OF REASONS FOR INTRODUCTION AND PASSAGE IN THE 2012 SPRING SITTINGS
FAIR WORK AMENDMENT (TRANSFER OF BUSINESS) BILL

Purpose of the Bill
The bill amends the transfer of business provisions of the Fair Work Act 2009 to protect the entitlements of state public sector employees in circumstances where a state government outsources functions or sells assets to a private sector employer who subsequently employs these employees.

Reasons for Urgency
In light of numerous state government announcements about public sector job cuts, there is potential in the near future for state outsourcing arrangements or asset sales to put at risk the terms and conditions of retrenched employees who are subsequently engaged by private sector employers in the national system to perform the same work. In this context, the Queensland Government recently legislated to override employment security provisions and limitations on the use of contractors in Queensland public sector agreements, which paves the way for outsourcing of public sector functions.

Senator JACINTA COLLINS: I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Clean Energy Amendment (International Emissions Trading and Other Measures) Bill 2012
Clean Energy (Charges—Excise) Amendment Bill 2012
Clean Energy (Charges—Customs) Amendment Bill 2012
Excise Tariff Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Import Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Ozone Protection and Synthetic Greenhouse Gas (Manufacture Levy) Amendment (Per-tonne Carbon Price Equivalent) Bill 2012
Clean Energy (Unit Issue Charge—Auctions) Amendment Bill 2012
Fair Entitlements Guarantee Bill 2012
Fair Work Amendment (Transfer of Business) Bill 2012.

This is the second of three exemption motions that will be dealt with by the Senate today. This motion exempts three significant packages of bills requiring passage before the parliament rises at the end of the spring sittings. I appreciate that this is a relatively high number of bills in total that the government is seeking to exempt from the cut-off motion.

In part, the late introduction of bills has been due to overriding legislative priorities earlier in the sittings which have delayed introduction and consideration of other...
legislation. At short notice, the parliament has dealt with immigration determinations and a bill to enable the detailed assessment of commercial fishing activities. Both chambers have had debate on same-sex marriage. These important debates have disrupted time and resources that might have otherwise been allocated to some of the legislation that we are now considering in exemption motions.

The clean energy package needs to be dealt with this year. The Australian government accepts the expert advice of scientists that greenhouse gas emissions are contributing to a climate change and that such change presents an unacceptable risk to the environment and to the economy. This government has put a price on carbon, establishing a market to help our nation transition to a clean energy future.

The bills due to come before this chamber further help the establishment of a deep and liquid carbon market for Australian firms to trade in. Primarily, these bills concern the legislative changes required to facilitate linking to the European ETS, giving Australian businesses access to the European carbon permits. Providing certainty to access to both European and Kyoto units is important. The passage of these bills will assist with this end and allow for effective implementation of linking as soon as possible. It also helps to provide long-term certainty regarding the operation of the carbon pricing mechanism.

The world is acting and business want a carbon price, and this government is listening by implementing a carbon trading scheme, which the passage of these bills will assist. Australia is not going it alone. We are not acting first. Nor is it true that none of our trading partners are acting. It is time those opposite accepted the evidence. The exemption of this package should be supported by this chamber.

Further, the Fair Work Amendment (Transfer Of Business) Bill will provide important protections for the entitlements of certain state public sector employees moving into the national workplace relations system through the transfer of business. Given recent announcements by Queensland and New South Wales state governments to cut their workforces, it is important that these protections are in place as soon as possible. The Fair Entitlements Guarantee Bill will legislate the existing General Employee Entitlements and Redundancy Scheme and provide stronger protections for Australian workers who are adversely affected when their employer goes into liquidation through no fault of their own.

It is important that all three packages of bills in the motion are enacted into law this year and I recommend this exemption motion to the chamber.

Senator IAN MACDONALD (Queensland) (13:03): The minister has given no reason that the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill should be dealt with in a rush in the last week of the sitting of parliament. It is quite clear to everyone in this chamber and to everyone who might be listening to this debate that the Labor Party and the Greens want to get off the agenda any legislation, any bill and any discussion that deals with the carbon tax—the carbon tax that Prime Minister Gillard promised faithfully she would never introduce under a government she led.

In her brief comment, the Parliamentary Secretary for School Education and Workplace Relations indicated that greenhouse gas emissions were the cause of climate change. I am sure greenhouse gas emissions have a part to play in the changing
climate of the world—a changing climate that has gone on for millions of years. This legislation needs to be fully investigated.

We need to understand why we are linking ourselves to a European scheme when the facts and figures show China’s usage of coal—and this is no criticism of China—will increase from some 1.2 billion tonnes a year in 2002 to some 7.5 billion tonnes per annum by 2015. You do not need to be a scientist to work out that that consumption of coal will enormously increase carbon emissions. While China is increasing its coal usage from 1.2 billion tonnes per annum to 7.5 billion tonnes per annum, Australia is introducing a carbon tax which puts up the cost of living and makes it very difficult for pensioners and people on fixed incomes to pay their electricity bills. For what results? Australia emits less than 1.4 per cent of carbon emissions.

The Labor Party policy, and the coalition policy, is to try to limit emissions by five per cent by 2020. But the Labor Party's proposals in all their documents show that carbon emissions in Australia will increase by 2020.

I do not have these figures before me, but it was to increase by something like 45 million tonnes. Just last week they upgraded their assessment to something like a 59-million-tonne increase by 2020. The Australian people are paying enormously for this through a carbon tax, and what difference is it going to make when you look at China?

The minister also erroneously told the chamber that all other governments were doing things. She mentioned the United States. Even since the presidential election President Obama has, on three separate occasions, indicated quite clearly to the American people that they will be going nowhere near a carbon tax or anything like it. The minister mentioned New Zealand. How dare the Labor Party compare the New Zealand scheme with the Australian scheme. The Australian scheme starts costing emissions at $23 per tonne. The New Zealand scheme costs emissions at A$1.11 per tonne. The Australian scheme is 20 times more expensive to Australian consumers than the New Zealand scheme is to New Zealand consumers.

We are not going to have the full opportunity of investigating and discussing this bill because, as Senator Fifield correctly said, you can bet London to a brick that next week we will have the guillotine applied by the Greens, as they always do, joining with the Labor Party in curtailing free speech in this chamber. I pause on this point to remind the Greens of when the Labor Party tried to guillotine them on some legislation that they were passionate about—did the coalition support Labor and guillotine the Greens? Perhaps we should have—it would have been in the Greens' best interests—but we did not. We allowed the Greens to have the full debating time because we believe this chamber is a chamber where people should be able to fully investigate all aspects of every bit of legislation. On that occasion the Greens voted with us to oppose the guillotine so the Greens could have their say. But what happens when these more important bills come? The Greens will do what they always do: join with their fellow left-wing ideologues in preventing free speech in this chamber.

Senator Hanson-Young: You were just gagged by your own deputy president.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Interjections are disorderly.

Senator IAN MACDONALD: I appreciate interjections from Senator Hanson-Young. I would just like her to explain why it is so bad to guillotine
legislation when you want to say something about a particular matter, yet when the majority of this chamber, in a party sense, wants to fully discuss bills that will add to everybody's cost of living you join with the Labor Party and guillotine the bills. It is typical of the hypocrisy and duplicity of a party which has no principles and no relevant policies, and which is stuck in the past of the communist revolution in the USSR.

Honourable senators interjecting—

Senator IAN MACDONALD: Senator Hanson-Young laughs at that: perhaps she should go and ask her colleague Senator Rhiannon about the Communist Party of Russia. One thing I always say about Senator Rhiannon: she is true to her cause. She does not try to hide the fact that she admires the communist cause and that she has been a very active member of one of the groups supporting the Communist Party of Australia—or was it the other Communist Party? I am not quite sure. I disagree with Senator Rhiannon on most things, but I admire her because she sticks to her convictions and does not try, like the rest of the Greens Party, to be one thing to the public—that is, the cuddly koala party—but in fact be a social change party to take us all to the ultimate nanny state, where they and the Labor Party know better what suits me and my family than I and my family do.

Senator Hanson-Young: But you, of course, oppose gay marriage.

Senator IAN MACDONALD: Sorry, that is not my family.

The ACTING DEPUTY PRESIDENT: Order! Ignore the interjection, Senator Macdonald.

Senator IAN MACDONALD: The Labor Party and the Greens get together. We have just had a motion pass a little while ago to allow more time for government business, which we like to do. But every time the
who might be affected by these bills the opportunity to look at them and to make submissions. It also gave the Senate the opportunity to do what it does so very well—that is, to conduct inquiries into bits of legislation whereby you advertise, get people in to give evidence, consider that evidence and make reports. That process, if it is done properly, takes several weeks.

But what are the government doing in the case of this legislation? They will introduce it this week, and we will talk about it next week—in the last week of sitting of this year of parliament. I digress by saying that again since the Labor Party has taken over the Treasury benches, the Senate sits for shorter and shorter periods of time. They do not like scrutiny and they do not like debate. Next week, in the last three days of sitting for this year, when the media and the general public are looking towards Christmas and the holidays, they bring through these controversial bills. They do not like scrutiny and they do not like debate. Next week, in the last three days of sitting for this year, when the media and the general public are looking towards Christmas and the holidays, they bring through these controversial bills. They will guillotine discussion on these bills, and so these bills will not be properly assessed. As I asked right at the beginning: why? It is because the last thing the Labor Party want discussed is the carbon tax that the Prime Minister promised she would never introduce.

This particular bill, the Clean Energy Amendment (International Emissions Trading and Other Measures) Bill, deserves and requires very extensive investigation. This bill is proposing that Australia ties its economy to the European economy. Again, you do not have to be a world renowned economist to work out that the European economy is in turmoil. It is a tragic indictment of years of left-wing governments spending more than they ever earned. If it had not been for Germany, a right-wing government, earning the money to bail out all the left-wing governments in Europe, then Europe would be in an even worse predicament. At the moment, the European economy is in turmoil, yet the Labor Party want our economy to join the European economy. I guess there is method in their madness. If you compare the Australian economy today with what it was under John Howard, that is a bad comparison, because people saw Howard as progressive and the economy as booming. They look at Labor and they see $157 billion in net debt and $250 billion in gross debt. This is following the Howard government, when we had $80 billion—not debt but credit. We had $80 billion in the bank, and the Labor Party have turned that into $157 billion in debt—or something like that. That was probably last week's figure and it is $165 billion today, because they borrow $100 million every day. The taxpayers, people listening to this broadcast, will one day have to repay that debt. Until it is repaid, the people listening to this broadcast, the taxpayers, will have to pay foreign lenders $20 million every day in interest to fund this government’s incompetent financial management.

Again, I divert myself. This bill, which deserves full consideration, links the Australian economy with what is almost a basket case economy, that of Europe. It links the cost of carbon with that of Europe. What is the latest price of carbon in Europe? Is it the European equivalent of $5 a tonne? You can buy it for next to nothing—it is that cheap in Europe. How is that? I want someone to tell me that. This is what the Senate should be investigating: whether this bill was properly scrutinised in this chamber. This motion is trying to prevent that. I ask the Labor Party how $5 a tonne for carbon emissions is going to get anyone to stop their emissions. I have mentioned how China is quadrupling its use of carbon. To offset that you can just buy a permit—not that the Chinese bother about permits. I am in no way criticising China. I understand it is a developing country getting...
a better life for its citizens by reducing their cost of living. If someone in Australia, America or Europe wants to buy some permit, they pay a few dollars for a permit and they can emit what they like. How is that going to help?

These are the sorts of questions that need to be fully explored. We need to have the ministers trying to answer these questions. I would love to put those questions to the ministers and watch how the Labor Party squirm in trying to answer the obvious, which they will not be able to do. But I am not going to get that opportunity, because we will be guillotined. We will not have a committee stage of the bill and we will not be able to put these very relevant questions.

The Labor Party suggest in all of their modelling that the price per tonne of carbon emissions in Australia is going to increase from the current $23 to $29 a tonne and then to $39 a tonne. They say that by 2052 the price will increase to the equivalent of today's $305 a tonne. Europe will still be giving away permits at a couple of dollars a pop—or you will be able to take a raffle ticket and get a few permits as a prize. This is what the Labor government are trying to associate us with. This is the sort of legislation that demands to be fully exposed. It demands a proper committee inquiry, and I understand we are going to have a committee inquiry. I am being told that the committee inquiry will be all over in five days. That is how long it will take to put out the ads, get people to think about it and write their submissions, and then make their travel arrangements to come in and speak to the committee if the committee has an opportunity to question people—all this is to be done in five or six days. Then, when the committee reports, this chamber should sit until some of these very simple and obvious questions are answered. But are they going to be? It will be guillotined through in the last three days of this Senate sitting.

That is why people out there have stopped listening to the Prime Minister and the current government. That is why, as in Queensland, they are just waiting for the election. Forget the opinion polls—they go up and down, as they did in Queensland. What happened? There were fewer people who took a how-to-vote card in the Queensland election than I have ever seen in my more than 40 years handing out how-to-vote cards. Why? They had made up their minds six months ago. It did not matter what happened in the campaign, it did not matter what how-to-vote card they got: they went to the polls and they knew what they were doing. The results speak for themselves. And the same is happening Australia wide. It is because this government is so incompetent, so undemocratic, that it shoves through this sort of bill—with the support, I might say, of the Greens political party—and stops this chamber fully investigating these bits of legislation. That is why the coalition will be opposing this.

**Senator McEWEN** (South Australia—Government Whip in the Senate) (13:23): I move:

> That the question be now put.

**Senator Ian Macdonald:** Mr Acting Deputy President, so that I can understand this, and so anyone listening can, is this a guillotine motion?

**The ACTING DEPUTY PRESIDENT (Senator Bernardi):** That is one description of it, indeed.

**The PRESIDENT:** The question is that the motion moved by Senator McEwen—that the question be now put—be agreed to.
The Senate divided. [13:28]

(The President—Senator Hogg)

Ayes....................36
Noes......................29
Majority................7

AYES

Bilyk, CL                Bishop, TM
Brown, CL                Cameron, DN
Carr, KJ                Carr, RJ
Collins, JMA            Conroy, SM
Crossin, P               Di Natale, R
Farrell, D              Faulkner, J
Feeney, D                Gallacher, AM
Hanson-Young, SC        Hogg, JJ
Ludlam, S               Ludwig, JW
Lundy, KA                Marshall, GM
McEwen, A (teller)     McLucas, J
Milne, C                Moore, CM
Polley, H                Pratt, LC
Rhiannon, L             Siewert, R
Stephens, U             Sterle, G
Thistlethwaite, M      Thorp, LE
Waters, LJ              Whish-Wilson, PS
Wright, PL              Xenophon, N

NOES

Back, CJ (teller)          Bernardi, C
Birmingham, SJ            Boswell, RLD
Boyce, SK                Bushby, DC
Cash, MC                 Colbeck, R
Edwards, S               Eggleston, A
Fawcett, DJ              Fierravanti-Wells, C
Fifield, MP              Heffernan, W
Humphries, G             Joyce, B
Kroger, H                Macdonald, ID
Mason, B                McKenzie, B
Nash, F                  Parry, S
Payne, MA                Ronaldson, M
Ruston, A                Scullion, NG
Sinodinos, A             Smith, D
Williams, JR

PAIRS

Evans, C              Johnston, D
Furner, ML            Cormann, M
Singh, LM              Ryan, SM
Urquhart, AE          Abetz, E
Wong, P               Brandis, GH

Question agreed to.

The PRESIDENT (13:30): The question now is that the motion moved by Senator Collins be agreed to.

The Senate divided. [13:31]

(The President—Senator Hogg)

Ayes ....................36
Noes ......................29
Majority ...............7

AYES

Bilyk, CL                Bishop, TM
Brown, CL                Cameron, DN
Carr, KJ                Carr, RJ
Collins, JMA            Conroy, SM
Crossin, P               Di Natale, R
Farrell, D              Faulkner, J
Feeney, D                Gallacher, AM
Hanson-Young, SC        Hogg, JJ
Ludlam, S               Ludwig, JW
Lundy, KA                Marshall, GM
McEwen, A (teller)     McLucas, J
Milne, C                Moore, CM
Polley, H                Pratt, LC
Rhiannon, L             Siewert, R
Stephens, U             Sterle, G
Thistlethwaite, M      Thorp, LE
Waters, LJ              Whish-Wilson, PS
Wright, PL              Xenophon, N

NOES

Back, CJ (teller)          Bernardi, C
Birmingham, SJ            Boswell, RLD
Boyce, SK                Bushby, DC
Cash, MC                 Colbeck, R
Edwards, S               Eggleston, A
Fawcett, DJ              Fierravanti-Wells, C
Fifield, MP              Heffernan, W
Humphries, G             Joyce, B
Kroger, H                Macdonald, ID
Mason, B                McKenzie, B
Nash, F                  Parry, S
Payne, MA                Ronaldson, M
Ruston, A                Scullion, NG
Sinodinos, A             Smith, D
Williams, JR

PAIRS

Evans, C              Johnston, D
Furner, ML            Cormann, M
Singh, LM              Ryan, SM
Urquhart, AE          Abetz, E
Wong, P               Brandis, GH

Evans, C              Brandis, GH
Furner, ML            Ryan, SM
Singh, LM              Abetz, E

CHAMBER
Question agreed to.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (13:33): I move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

- Corporations Legislation Amendment (Derivative Transactions) Bill 2012
- Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Bill 2012
- Freedom of Information Amendment (Parliamentary Budget Office) Bill 2012
- Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012
- National Health Security Amendment Bill 2012
- Personal Liability for Corporate Fault Reform Bill 2012
- Superannuation Auditor Registration Imposition Bill 2012
- Superannuation Laws Amendment (Capital Gains Tax Relief and Other Efficiency Measures) Bill 2012
- Superannuation Legislation Amendment (New Zealand Arrangement) Bill 2012
- Tax Laws Amendment (2012 Measures No. 5) Bill 2012
- Tax Laws Amendment (Clean Building Managed Investment Trust) Bill 2012.

Question agreed to.

BILLS

Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (13:34): We are about to proceed right now with a piece of legislation, the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, that really deals with a formal process that is in the current water plan, which has already been voted for. This legislation, in its most succinct form, brings about a streamlining of that process. If we were to invoke a formal Basin Plan amendment process, that could take months to complete. This legislation does not add to what would be achievable by that formal Basin Plan process but streamlines it through the insertion of proposed section 23A and 23B into the act. In summary, proposed section 23A provides that, under the Basin Plan, the MDBA may be able to propose an adjustment to the SDL for water resources of a particular water resource plan or a particular part of those water resources within a set amount. Proposed section 23B sets out the process by which that can be adjusted. In essence, it refers to a five per cent adjustment—which is five per cent up or down—of the total extraction limit. That is an amount similar to around 710 gigalitres
of water. That is an extraordinary amount of water. To give you an idea of just how much water that is, it is more than the amount of water that the whole of South Australia uses and more than the amount of water that the whole of Queensland uses. It would not be too far off the amount that Queensland and South Australia use together. So we have to be extremely cautious about how this process works.

We must ensure that we do not bring about socioeconomic detriment through this process. If we do not pass this legislation, it does not mean that this process cannot happen; it will just happen in a more convoluted form. That is important for those who might not be dealing with this issue every day, so they do not think this is something new that is coming completely from left field.

We should not make any assumptions whatsoever as to the final conclusion about where the Murray-Darling Basin Plan will actually end up. We still have a special account bill to come forward and we still have the payments to be tabled. In trying to bring a myriad of parties together, from the irrigators to the environmentalists and from the coalition to the Labor Party, to come to a negotiated settlement—and the partisan catchcry of so many is that we are the so-called noalition, that we do not negotiate—we are trying to work in a form that brings about an outcome. And every person is giving up territory on that. The only people who seem terribly unhappy about that are the Australian Greens—because now apparently everybody is compromised because we are trying to work together.

We do not see this piece of legislation as the real crux of the issue. The real crux of the issue is of course the plan itself, and you cannot determine your final position until you see it—and it has not been tabled yet. And, of course, you cannot see it in isolation; you must also be aware of the intergovernmental agreement and the water recovery strategy that comes with it. That is yet to be seen, so a position on this should not be read in any way, shape or form as an endorsement, or otherwise, of the coalition's final position—but know full well that we are open to negotiation and have been trying to negotiate a position which, as much as it can, will be a position we can both live with.

We in the coalition are not fools. We understand that, were we not at the table, the Labor Party has the capacity to get things through the parliament without us; they have proven this, they have form, especially with the Wheat Export Authority bill. Therefore, the negotiations would not be between the Labor Party and the coalition—or, in this case, between Minister Burke and me. They would be between Minister Burke and, I imagine, Senator Sarah Hanson-Young. So it is vitally important that we do what has been asked of us by our constituent communities, the 2.2 million people who actually live in the basin—that is, stay at the table and do our very best to come up with an outcome that mitigates the effect on their life.

To draw a picture of what we are trying to achieve, our focus is not necessarily irrigation farmers, as important as they are—and my community is surrounded by them. Our focus is the person who lives in a house in an irrigation town. That person has spent their life paying off a mortgage on a house and has lived with the belief that the economic rug—the sustenance of their community, which is the water that underpins it—will not be pulled out from under them. It is not fair to them; they are not a compensable party in this; if something goes wrong, they just lose. We cannot say to someone who lives in Turvey Court in St George that, although they paid $300,000 or $400,000 for their house, by reason of the
mechanism of a decision of government we are now removing the water and their house is now worth $100,000 or $150,000. If you want to see that in its starkest form, in a place like Dirranbandi if the water is not there you can buy a house for between $10,000 and $15,000.

I do not know whether many people have experienced what it is like to do it tough, but I can assure you that when house prices get down to that level you are doing it pretty tough. When water is there, the value of the house goes up. We have people who are struggling and, in a meagre way, they might have been able to attach themselves to a house worth $150,000. If we do this wrong, if we pull the economic rug out from underneath them, they will be left with, in some instances, an asset they cannot sell. It is not right, it is not proper, for the Australian parliament to do that to people.

So our focus is the person who lives in a house in the town, the person who has gone to that area to buy a motel and set it up, the person who owns a tyre business, the person who went there to buy a chemist shop, the person who went there to be a nurse or a doctor in that town. We must maintain the social fabric and we can only do that if we maintain the economic base.

On the recommendations of the Prime Minister, the minister and even Premier Weatherill, people have stated, because it is the obvious and just position that neither this parliament nor any other parliament has an interest in undermining the economic integrity and thus the social fabric of these towns. So it is important in these pieces of legislation that we reinforce the recommendations made by the Prime Minister and the minister and the respective premiers that it be evident in the legislation that we will not bring about a socioeconomic detriment to these people by the actions of this parliament. It is possible to be strategic in how you return water to the river in such a way that it does not happen.

We have had instances of this being very badly managed in the past. I will give a quick expose on the two classic instances of that. One was the purchase of Toorale Station, near Bourke, for $23.75 million. A substantial section of the Bourke rating base was purchased unseen by the Australian government—no-one even set foot on it. Lo and behold, it does not even deliver water into the river. We had to decommission the tanks at the station—Toorale was built by Chaffey, so they were under the National Heritage Trust—and that cost $70 million. How on earth we ended up with that, we do not know. The other one was the purchase in globo of the water of the Kahlbetzer family at Twynham Pastoral Company. That pulled the economic rug out from underneath Collarenebri, a town in northern New South Wales. Without the water, there is no irrigation; without the irrigation, there is no cotton; without the cotton, they do not need a gin; without the cotton gin, they do not need the fitters and turners, the yardmen and the Indigenous community who relied on that as the cornerstone of their economic base. You just cannot do it.

In my area—I can throw a rock into the river from my front yard—30 per cent of the community is Indigenous and, if I go down the road, I would say that 40 to 50 per cent of Dirranbandi is Indigenous. These communities are vitally attached to the economic base associated with the river. There will be no fanfare whatsoever if we get this wrong.

The Australian people must understand that we must widen the moral paradigm of how we see water. So often the water debate is put up as a purely environmental debate, and that is wrong. ‘Environment’ is not an omnipotent term. It has no more strength
than the words 'family', 'economy' or 'job'. To invoke the word 'environment' does not mean you win the argument. It is part and parcel of the debate, but it is not the knockout clause.

We must look at what actually happens with the water that we are supposedly 'putting back into the river'. People want to do that. The whole premise of the money that the coalition initially put on the table was for an environmental outcome to try to alleviate the environmental problems, which we all acknowledge were there, but we must also acknowledge the wider cost of that.

All of us in this chamber are irrigators. You might think you are not, but you are. It takes about 2,000 litres of water a day to support the food that each of us eats. It would take around 750,000 litres a year to sustain you. What that means in rough terms is that, regarding the water that comes out with the Living Murray agreement and now with the Basin Plan, we are basically removing the capacity to feed five million people. That means that somewhere in the world, at a time when things are tough, someone does not get fed.

We put out the Asian paper saying how we are going to be the food basket of South-East Asia. We have to be very careful that we do not start moving legislation which means that we cannot even be the food basket of our own country. If we remove the capacity of the south-east corner of Australia to feed five million people, that is a substantial issue. We must own the consequences. The time will come, with an expanding global population, when somebody in another part of the world goes hungry and dies because we are absorbing the food, even if we are importing it, that they would otherwise have utilised. We would have to absorb it because we reduced our own capacity to grow it.

This is the prime agricultural growing area. The reason it is there is that it has the benefaction of the climatic conditions which are so pertinent to the growing of food. Other areas might be pertinent to the growing of fibre or sugar, but this area is very pertinent to the growing of food. It is food in the form that you would have had already or you will have tonight—whether that is lettuce, tomatoes, potatoes or onions—or cotton. You might say, 'I don't like cotton.' If you are wearing a shirt, you do. These are all the attachments that happen in this part of the world.

The coalition was in negotiation with our counterparts from the Riverina, northern Victoria, western New South Wales, southern Queensland and South Australia—especially the irrigators of South Australia, and Senator Anne Ruston is a great representative of them. They have made their views well and truly known that we must walk so carefully to make sure that we do not bring about the economic demise of those people. For instance, in an arbitrary process, regarding the water in the current scope of the plan—they are still looking for about 249 gigs for buyback—if they bought that all from an area, it would be absolute devastation.

I will give another example of how there is an attachment between irrigation communities and a wider morality that is not only to the benefit of our capacity but is about our obligation to feed the world. The rice industry around the town of Deniliquin has the capacity to feed 30 million people a day at full production. For our nation, that is incredible in the global task. We can do that because of the climate conditions that are apparent, because of the infrastructure that is there and because of the water that is there. If we decide that the environmental requirements are greater than the food requirements, the staple carbohydrate that
feeds people, then of course we remove capacity from production. It could happen if we get it wrong. The rice growing capacity of somewhere like Deniliquin would shut down.

What happens when we remove out of the global food task the capacity to feed 30 million people a day? Quite obviously, somewhere in the world—whether, as I have said before, it is southern Sudan, the Thai-Burma border or part of Africa—we remove the capacity for someone to be fed. If we keep doing that, people will starve to death. If we still want to consume rice, then we will just consume their rice. It is a very liquid global market. Who will die if they do that? It is generally children; the adults live and the children die. People say, 'Talking like that is too partisan.' Well, do we believe in global markets? Rice goes onto a global market. Do we believe that we will trade? We say that we will trade. Do we believe that people eat? Of course, they eat. Then we have to believe in the consequences of not managing our food task or our food obligation to the world.

Also, we must acknowledge that inside the basin live 2.2 million people. If the Murray-Darling Basin were a state it would be one of the middle-tier states in Australia—not quite in the middle, but getting close to it. So this is a substantial group of people. The biggest city in the Murray-Darling Basin is the one we are standing in right now: Canberra. So this plan has resonance even in this great city, our nation's capital. If you get it wrong, we will end up with ridiculous scenarios where water assets built for this town would be unable to be used for this town. We have had the construction of a new dam, even here—which, I might say, even the Greens voted for. There was a major cost blow-out in building it, but it was done. We were getting to a ridiculous position at one stage where they may not have been able to use their own water. Permanent water restrictions for Canberra—an absurdity. So we have to keep the logic in this debate.

In closing, we acknowledge the requirement that was placed on us to return water to the river. From irrigation farmers in St George to those in the South Australian Lower Lakes and everywhere in between, people have been part of this task. But we have always said that you should trust people at the lower level to have the best idea of the decisions, because in local communities they can tell you where you should take the water to have the least economic effect and the best environmental effect. When we start making those decisions without their input, we end up with all sorts of problems.

But this is stage 1. What we have here in this bill is stage 1 of a process to bring about an outcome. It is not an endorsement of a final outcome; it is part of a process towards that outcome. What I can say is that implicitly we are going forward with this. We will look for clauses to put in, and we will lobby for positions, to make sure we do not bring about social or economic detriment. Do not take this as any warrant whatsoever of our final position but do take it as a confirmation of our willingness to progress down a path, to try to negotiate towards an outcome.

Senator HANSON-YOUNG (South Australia) (13:54): I rise to speak on the legislation that is currently before the chamber, the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. In doing so, I cannot possibly overstate the Greens' great concern for the iconic Murray-Darling system and for the future of all the economies, local communities and ecosystems that rely on it. The Murray-Darling Basin is the most productive but also the most exploited water
system in Australia. It is Australia's food bowl. Millions of families and diverse ecologies rely on the basin system. The cost of delivering a plan that fails in its objectives to save the river for the future would be and should be unacceptable to everyone.

I would like to remind the chamber of the words of Benjamin Franklin who said, 'When the well is dry, then we know the worth of water.' Australia has enjoyed good rainfall in recent years but in South Australia, my home state, we have not forgotten what it was like to live in the millennium drought: the water that just was not there; the water that was too salty for local communities even to drink from the taps in their kitchens; the water that was too salty to feed their stock; the dry lake beds at the bottom of the system; the kilometre-wide dried and cracked mud that stretched out across lakes Albert and Alexandrina; the dead and withering citrus trees in the Riverland, that were meant, when planted there, to last for generations.

South Australia has been using water responsibly for decades. Even now, in South Australia we are only taking seven per cent of the water from the entire basin system. But we stand to lose the most if the Basin Plan to be put forward and tabled by the minister in this place next week fails to protect the river. The plan must return enough water to stop the accumulation of salt, keep the Murray mouth open, provide clean drinking water for Adelaide, support our industries and restore irreplaceable and sacred sites like the Coorong, Lake Alexandrina and Lake Albert.

The Basin Plan should be a crucial reform in Australia's history, and it must go as far as possible to correct the decades and decades of overallocation from the Murray-Darling system. The entire reason that we are debating this legislation and have been in negotiations over the Basin Plan for the last three years is that decades of overallocation have meant more water has been taken out of the river than now goes in. It is simply unsustainable to continue business as usual. It is not a question purely of environmentalism. Industries, local economies and communities, from the top of the system right through to the bottom, are reliant on a healthy, productive and resilient river and Riverland network, in order to survive, be sustained and flourish for future generations.

I am, however, deeply concerned about the rights of South Australia. My state is, above all else, the most efficient when it comes to the use of water, including its prior achievements of becoming more water-wise with the little and limited amount of water that continues to run down the bottom end of the system. South Australians have a right to expect that any plan that is put forward in this place will be a plan that delivers true reform so that Adelaide and other South Australian communities and towns have ongoing and adequate fresh drinking water, and so that South Australia's agriculture and horticulture can continue to thrive, recreation and tourism businesses can grow, and our integral natural environments can live on for the future.

We need to have a plan that prepares us for the worst-case scenarios as well as the average inflow times and years. Unfortunately, the draft plan that has been mooted only prepares us for average years or for good years, not for the years when there is less water overall in the system. As I said earlier, South Australians remember well how damaging the height of the millennium drought was. We need a plan to prepare us for the worst times as well as the best.

Australia needs a Basin Plan that will live up to its promise as a historic, nation-
building opportunity to correct past mistakes and to plan ahead and protect our system for future generations. It must enable us to maintain a healthy economy while protecting our natural heritage and securing long-term prosperity. It is a balancing act, of course, but we need to understand that communities reliant on a healthy river system will only survive if that river system actually continues to exist.

The PRESIDENT: Order! It being 2 pm, the debate is interrupted.

MINISTERIAL ARRANGEMENTS

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): I indicate to the Senate that Senator Abetz will be absent from question time today because of illness.

QUESTIONS WITHOUT NOTICE

Convention against Corruption

Senator FIERRAVANTI-WELLS (New South Wales) (14:00): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Is the minister aware that Australia became a signatory to the United Nations Convention against Corruption on 9 December 2003? Is the minister aware that the convention imposes an obligation upon national governments to use their best endeavours to eliminate corrupt practices within their jurisdictions and that that obligation extends to the elimination of corrupt practices by state and territory governments? Is the minister confident that the Commonwealth is and has at all times been compliant with its obligations under the Convention against Corruption?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:01): Mr President, yes.

Senator FIERRAVANTI-WELLS (New South Wales) (14:01): Mr President, I ask a supplementary question. Can the minister advise what measures his government is putting in place to ensure full compliance with Australia's international anticorruption obligations by state and territory governments? Can the minister also advise what steps he is personally taking to advocate Australia's support for the convention in the international arena?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:02): The best guarantors for good governance and corruption resistance are those that are embedded in the statutes of the Commonwealth. They are freedom of information, in the context of a lively, free parliamentary system—

Senator Fierravanti-Wells: Is that why the government keeps blocking FOI applications?

Senator BOB CARR: I think that is a very unreasonable question. Australia, by any test, has a robust freedom of information regime, admired by other countries. Another bulwark is the role of the Ombudsman, a very important pillar of corruption resistance. Another pillar is the role of parliamentary audit and the estimates committees for which this Senate is renowned. All these are good bulwarks against corruption and to be much promoted. States have anticorruption commissions. (Time expired)

Senator FIERRAVANTI-WELLS (New South Wales) (14:03): Mr President, I ask a further supplementary question. Does the minister feel compromised in advocating Australia's support for the convention in the international arena given that, at the time Australia became a signatory to the convention, he, as Premier of New South Wales, presided over a government riven by corruption, as revealed by the Eddie Obeid scandal?
Senator BOB CARR (New South Wales—Minister for Foreign Affairs)  

(14:03): Mr President, no.

Economy

Senator CROSSIN (Northern Territory)  

(14:04): My question is to Minister Wong, representing the Treasurer. Can the minister update the Senate on the outlook for the Australian economy? Has the minister seen any recent international reports on the performance of the Australian economy and the role of this government's fiscal management in supporting this?

Senator WONG (South Australia—Minister for Finance and Deregulation)  

(14:04): I thank Senator Crossin for her question. Last week, the International Monetary Fund delivered another strong endorsement of this government's economic management. While we understand that not everyone in Australia is doing it easy, reports like these demonstrate again why all Australians can be proud of what the nation has achieved.

The IMF reiterated its projection of a sound and solid outlook for the economy, with growth faster than any other major advanced economy. The report provides an overwhelmingly positive assessment of the Australian economy—an economy underpinned by low unemployment, low interest rates, contained inflation, strong public finances and a strong investment outlook. Despite those opposite doing their best to talk down the economy, we know that new business investment is expected to reach a 50-year high as a proportion of GDP at the end of the forecast period.

Because of the government's fiscal discipline, we have already seen that this has given room to the Reserve Bank to move to deliver the equivalent of six interest rate cuts since November last year. Because of these cuts, Australians on a $300,000 mortgage are paying around $4½ thousand less per year than they were when those opposite left office. In fact, official interest rates are lower now than at any time under the Howard government, under the government of those opposite. Who can forget them promising to keep interest rates low and then seeing 10 interest rate rises in a row up until 2007? Interest rates under this Labor government are lower than at any point under those opposite. (Time expired)

Senator CROSSIN (Northern Territory)  

(14:07): Mr President, I ask a supplementary question. Can the minister outline how the government's response to the global financial crisis has been viewed by international bodies?

Senator WONG (South Australia—Minister for Finance and Deregulation)  

(14:07): We on this side understand what the global financial crisis has done to many economies around the world. We understand also how important it was that the government and business acted in the way that we did during the GFC. We all know about the devastating effects of the GFC—the worst global downturn since the Great Depression—notwithstanding the desire of those opposite to gloss over it and wave it away.

The International Monetary Fund recognises Australia as one of only a small handful of advanced countries to have avoided a recession and it commended the government response. It commented on the government's 'adept handling of the fallout from the GFC, prudent economic management and strong supervision of the financial sector, which has kept Australia on the dwindling list of AAA-rated countries.'

Senator CROSSIN (Northern Territory)  

(14:08): Mr President, I ask a further supplementary question. Can the minister outline for the Senate if the government is
aware of any opposing views to the IMF's outlook of Australia?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:08): The opposing views are, of course, from those opposite. Probably the most amusing, were they not so irresponsible, were the appearances by Mr Hockey on the ABC Insiders program, where he attempted to explain how an economy that has grown for two decades—an economy around trend growth—was actually flatlining. When the Insiders host said to him, 'Well, no, if it were zero it would be flatlining. That is what that means,' Mr Hockey said 'No'. Somehow, in the world of Hockeynomics, a growing economy is flatlining. This is just more ridiculous commentary from those opposite. It really exposes them for what they are. They are willing to talk down the economy, to risk jobs and risk confidence in order to further their own political interests.

Indigenous Employment

Senator PAYNE (New South Wales) (14:09): My question is to the Minister representing the Minister for Indigenous Employment and Economic Development, Minister Ludwig. Can the minister explain why the government has made changes to the Indigenous Employment Program when it is likely to result in the imminent closure of companies such as the Aboriginal Employment Strategy—which has placed over 10,000 Indigenous Australians into real jobs—and the Replay Group, which operates in Victoria, New South Wales, Queensland and the Northern Territory? How will these changes help the government reach the Closing the Gap target of halving the gap in employment outcomes between Indigenous and non-Indigenous Australians by 2018?

Senator Chris Evans: Mr President, I rise on a point of order—just a point of clarification. I am not sure that the senator's question was directed to the right minister. I think the representative minister is actually Senator Wong. It could be me, so I am just checking. I think it is Senator Wong, but I think the question was directed to Senator Ludwig. I wanted to clarify that.

Senator PAYNE: I understood that Senator Ludwig was the minister representing Minister Collins from the other place. If that is not the case—

The PRESIDENT: Senator Payne, I might help you. I was looking at my sheet as well, to see the representation. My sheet tells me that Senator Wong is the Minister representing the Minister for Indigenous Employment and Economic Development. The question has been heard.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:11): Thank you, Mr President. I do not reflect on Senator Payne's error, because, I have to say, I had to check that I was representing.

This is the more recent change. I do have some information about the Aboriginal Employment Strategy, which is a major recipient of IEP—the Indigenous Employment Program, which I am advised has nine current projects worth $29 million. I am also advised that all contracts have a start and end date, and any new contracts have to meet the guidelines and criteria of the Indigenous Employment Program. I am advised the government will continue to discuss these contracts prior to expiry with existing providers. That is the usual course.

Last month, the AES was successful in tendering to provide traineeships under the government's $50.7 million Indigenous Youth Career Pathways program. I understand that this was an open, independent public tender process for contracts which have a stated expiry date. The senator, given her interest in this area,
would probably also be aware that the Aboriginal Employment Strategy is one of 18 successful organisations from a large quality field, selected under the tender to deliver the program across 13 regions nationally from the 2013 school year.

The quality of submissions for the IYCP—the Indigenous Youth Careers Pathway tender that I described earlier—was very high. Tender outcomes reflected the result of an open and competitive tender process which resulted in a number of organisations being considered suitable.

I understand that, previously, funding support for Indigenous students participating in school-based traineeships was provided through IEP and focused on providing funding directly to employers or through IEP panel members who acted as brokers.

Senator PAYNE (New South Wales) (14:13): Mr President, I ask a supplementary question. Can the minister advise why the government has failed to properly consult and engage with organisations about the changes to the IEP, particularly with contracts so close to expiring? Some organisations which have made significant inroads into ending the welfare and poverty cycle for many Indigenous Australians have indicated that they will have to close their doors as of 3 December this year because they have no certainty.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:14): In her question the senator referred to the importance and the imperative of ending the cycle of disadvantage. I do not think those were the words she used, but I think that was the intent of her question. I think that is a view shared by most if not all senators and I know it is something that she has a strong interest in. I think the question really was in relation to an issue that I did address initially. I am advised the government will continue to discuss IEP contracts prior to the expiry of the existing providers. Given the date that she referenced, which I think was 3 December, if there is anything additional from the minister that I can obtain I will certainly do so and provide it to her.

Senator PAYNE (New South Wales) (14:15): Mr President, I ask a further supplementary question. I refer to that part of the minister's first answer concerning the Indigenous Youth Career Pathways program: as the government moves towards a jobs services agency model rather than an employer-driven model, which the minister described, has the government considered the implications for the operational providers who have acted under the current system and whether those providers will be able to continue to operate and, indeed, survive?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:15): As I said in the first answer, the government has committed just under $51 million to the programs to which the senator refers—the Indigenous Youth Career Pathways program. I am also advised that this program was subject to an independent public tender process under which the contracts have a stated expiry date, so I am not sure, in the context of the tender process, to what the senator is referring. In relation to the tender, as I said, the advice I have is that the quality of submissions for the tender was very high and the outcomes, as you would expect, reflected the result of a competitive and open tender process. It is the case that this is a new approach in relation to this program. I am advised that the previous supply program, the IEP program— (Time expired)
Minning

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:16): My question is to the Minister representing the Treasurer, Senator Wong. Given that the Australian Greens have a bill before the parliament to close the state royalties loophole in the mining tax, and given that the Treasurer wrote to the states in August, warning the states not to increase royalties or the government would dock the states the same amount of federal funding, can the minister inform the Senate of the states' response to the Treasurer's letter and, in particular, whether the government has actually docked any funding? If not, how much are the state royalty increases costing the federal budget?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:17): I think I was asked a very similar question to this, although possibly from a different angle, by Senator Cormann: You didn't answer it then, either.

Senator WONG: We were getting along so well. I was asked a similar question, I think, during the last sitting week by Senator Cormann. In relation to Senator Milne's question, I would remind her of a number of issues. The first is that the government has established a GST review panel, which has considered the distribution arrangements for the GST. That panel comprises former premiers Greiner and Brumby and Mr Bruce Carter. That panel has provided its report to government and the government is considering it. The panel was asked to look at, amongst other things, how there could be a disincentive or how to remove the incentive for states to increase royalties. In relation to royalties, as I think I have made clear to the chamber previously, the design of the MRRT, which includes the fact that royalties are able to be credited, has been factored into the budget bottom line. I think I answered on a previous occasion that we have referenced the recent Queensland royalty hikes in our assumptions as to MRRT revenue. I also have answered, in response to the New South Wales royalty increase, given there was no detail on that and that it is an aspirational revenue target without basic details, that that has not been calculated. (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:19): Mr President, I ask a supplementary question. It is clear that the government has not docked any of the funding to date. Is the minister aware that in 2016-17 the Greens' amendments to the MRRT would include fixing the royalty mistake and increasing the rate to 40 per cent, and would bring in an additional $10 billion in that year alone, on top of the $26.2 billion additional over the forward estimates, making a total of $36.2 billion?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:19): I cannot speak for the Greens' costings—that is a matter for the Greens. I can speak to what the government has made clear in the most recent budget update, which is that we have revised down the MRRT revenue take for the reason I outlined yesterday, which is primarily that commodity prices have fallen more sharply than we had previously anticipated. The government has its position as to the design of the MRRT that reflects an agreement that the government has put in place. Obviously, the issue of royalties is being dealt with through the process which I have outlined. In terms of the Greens' policies, that is a matter really for the Greens and not for the government.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:20): Mr
President, before I ask a further supplementary question, I seek leave to table the costings from the Parliamentary Budget Office showing that $36.2 billion could be achieved over that five-year period.

Leave granted.

Senator MILNE: Thank you. I ask the minister: does this $32.6 billion that is available confirm that there are ways to reform the Australian tax system to increase revenue for the benefit of all Australians that do not involve increasing the GST?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:21): In relation to the GST, the government has had a consistent position that we will not be extending the base nor increasing the rate. I note that the opposition has had a number of positions on this, including the shadow Treasurer geeing on the premiers to argue for it but I understand he may have been pulled into line more recently, given his public comments.

That is the position of the government. We understand that you have to have a sensible approach to policy in terms of the tax system. That is why we have undertaken reforms, such as the changes to the tax-free threshold, which are beneficial to second income earners particularly and will increase participation. That is why we have put in place policies such as loss carryback, which is designed to particularly help small business. These are the sorts of tax reforms the government is committed to.

Asylum Seekers

Senator CASH (Western Australia) (14:22): My question is to the Minister representing the Treasurer, Senator Wong. I refer the minister to the fact that the government's budget in the immigration portfolio for 2012-13 is based on 450 unlawful entrant arrivals per month. I also refer the minister to the fact that in the first five months of this financial year more than 10,000 unlawful entrants have arrived in Australia, more than four times the government's monthly estimates. Given that each new boat costs the Australian taxpayer approximately $12 million, how much more money will the government be required to be appropriate to compensate for the increased arrivals for this financial year?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:23): I think some parts of that question are probably more appropriately directed to Senator Lundy, because I note that there were a number of policy assertions in that question. I would make this point: if the opposition are concerned about what has occurred in relation to asylum seeker policies and border protection policies, they should reflect on the fact that they stood in the way of changes in this parliament for months and months and months, because they are not interested in resolving the issue. They are only interested in creating a policy—

Senator Brandis: Mr President, I rise on a point of order. The minister is not being directly relevant to the question asked. The question was specifically in relation to the budget assumptions and whether there would be additional appropriation to deal with the substantial underestimate of refugee arrivals. She has not borne on that question at all. It is entirely within her portfolio. She should be brought to the question.

Senator Jacinta Collins: Mr President, on the point of order, once again Senator Brandis focuses on just one element of the question. Senator Wong was quite correct in highlighting that there were a number of broader policy assertions within the question, but she is seeking to answer the relevant components for her portfolio and should be allowed to continue to do so.
The PRESIDENT: Order! The minister has been going 35 seconds. I believe the minister is addressing the question. The minister has one minute and 25 seconds remaining to address the question.

Senator WONG: The question does come consequent upon passage of the appropriation bill, which I think passed the chamber yesterday. I think the senator who asked me the question participated, possibly at length, in that debate and asked similar questions of the representing minister at that time. It is the case that the bills appropriate total funding of the figure that the senator just quoted at me—in which case, one wonders why she needed to ask me the question—of $1.675 billion to implement the Houston report for costs associated with IMAs, and the funding in the appropriations is consistent with the update that was handed down in the Mid-Year Economic and Fiscal Outlook.

I think the $668 million can be broken down to a number of components: an increase in the humanitarian program to 20,000 places per annum, the increase in the family stream of the permanent migration program to 194 places per annum, regional capacity building initiatives to support government and international organisations to strengthen the region's capacity to manage migration, capital costs associated with the regional processing centres, and I can continue in the next supplementary— (Time expired)

Senator CASH (Western Australia) (14:26): Mr President, I ask a supplementary question. I refer the minister to her answer on 29 October 2012 regarding the estimated monthly arrivals for the 2012-13 financial year. The minister said:

The estimates variation includes the increase in actual arrivals to date, transitioning down to a lower level by the end of 2012-13 and staying there over the forwards.

Given that the number of unlawful arrivals continues to increase, what is the government's definition of 'transitioning down for the purpose of the forward estimates'?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:26): Mr President, I do stand by that answer, and I make it very clear that the government anticipates that as we implement the Houston panel recommendations in full we should see these arrival rates drop. The Houston panel recommendations include not only the offshore processing on Nauru and Manus Island but the Malaysia transfer arrangements, which, of course, the opposition do not wish to implement. So let us be clear about who is playing politics with this issue. The people who are playing politics with this very complex public policy—

Senator Brandis: Mr President, I rise on a point of order. On the issue of direct relevance, in the supplementary question Senator Cash quoted to the minister some words she had used and asked her to define one of the terms in that quoted statement: what is the government's definition of 'transitioning down'? The question asserted nothing else; it asked nothing else. It asked for the definition of the phrase 'transitioning down'. I ask you to bring the minister to the question.

Senator Jacinta Collins: Mr President, on the point of order, once again Senator Brandis is not relying on the full question. She was referring to transitioning towards trending down and a definition of trending down—

Senator Brandis interjecting—

Senator Jacinta Collins: No, you did not read the full question, Senator Brandis, because I wrote the full question down at the time. So either you are suggesting your
colleague added some additional words or there is a problem with what is in front of you.

The PRESIDENT: Order! There is no point of order. I believe the minister is answering the question at this stage. The minister has 19 seconds remaining.

Senator Ian Macdonald: Mr President, can I ask Senator Collins to table the written-down question that she says she wrote?

The PRESIDENT: There is no point of order. Senator Wong, you have 19 seconds remaining.

Senator WONG: I was assisting the—
Honourable senators interjecting—

Senator Ian Macdonald: Because you didn't write it down.

Senator Jacinta Collins: I did write it down.

Honourable senators interjecting—

The PRESIDENT: Order! The debate across the chamber is disorderly. I remind senators of that. Senator Wong, continue. You have got 12 seconds.

Senator WONG: I was assisting the senator with the costs for which there has been an additional appropriation. I said, I think, capital costs associated with regional processing centres and operating costs—
(Time expired)

Senator CASH (Western Australia) (14:29): Mr President, I ask a further supplementary question. In July 2002, there were 1,828 arrivals; in August, 1,969 arrivals; in September, 2,355 arrivals; in October, 2,227; and in the first three weeks of November, 1,767 arrivals. Does the government stand-by its estimate of 450 arrivals per month or does it now concede that that estimate is grossly flawed?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:30): The government stands by its budget update in the Mid-Year Economic and Fiscal Outlook, including in relation to the revised costs associated with the immigration portfolio. I can say that I think it is clear to anybody watching that those opposite are not interested in an outcome on this. They are only interested in political games.

Education Funding

Senator CAMERON (New South Wales) (14:30): My question is to the Minister representing the Minister for School Education, Early Childhood and Youth, Senator Kim Carr. Following the mass rally on the weekend in support of Australian schools, can the minister advise what the government is doing to ensure a sustainable boost in funding?

Senator KIM CARR (Victoria—Minister for Human Services) (14:31): I thank Senator Cameron for his question. I am aware that there was a rally on Sunday at Darling Harbour, which was attended by some 3,000 parents and teachers. I wish to reassure those who attended the rally that in Canberra the Labor government are genuinely committed to the future of our schools. That is why we are moving to a needs based funding system. Labor take the view that your life chances should not be determined by your postcode or by who your parents are. What we do know is that education is the key that unlocks the doors of inequality. We take the view that there has to be genuine equality of opportunity in our school system, and of course there is an investment that the government has to make that is important for the future of this society as a whole and for individuals within it.

Ultimately, it is about allowing this country to fulfil its full potential and that is why education is the No. 1 priority for this Labor government and it has been a core
value of the Labor Party for generations. We know that new investment in education actually makes a difference and we see that confirmed by successive NAPLAN scores. Labor's funding has improved literacy, numeracy and attendance for the disadvantaged, for Indigenous students, for the disabled, for children in regional schools and for low-income families. These are the children who have most to gain by substantial investment, and of course we know they have the most to gain when schools are able to drop class sizes, when we see that resources are able to grow. We want to achieve more through a needs based funding system and it is about making sure that funding for every school and for every student is able to be advanced— (Time expired)

Senator CAMERON (New South Wales) (14:33): Mr President, I ask a supplementary question. Can the government point to any real-world examples of the link between funding and student performance?

Senator KIM CARR (Victoria—Minister for Human Services) (14:33): Senator Cameron, I hear all too often the claim made that there is no link between funding and education attainment. I would have thought the link was in fact self-evident. I am particularly concerned about those opposite who take this view because it is quite clearly a substantive attack upon those who spend very large sums of money at the private schools across the country—think about it. In some schools in this country, we are seeing fees being charged in excess of $30,000 per child per year. Yet it is asserted that people who pay that sort of money clearly are wasting their funds, that they are being dunned. That seems to be the argument: that there is no link between funding and attainment. Tell the people at Geelong Grammar that. We know that this proposition is ludicrous. We have to look at the facts on this matter and the facts are that funding for disadvantaged groups has meant that there has been better attainment in this country for people who are otherwise disadvantaged. (Time expired)

Senator CAMERON (New South Wales) (14:34): Mr President, I ask a further supplementary question. Is the government confident it can meet its commitments to the children of New South Wales in light of the massive funding cuts that the O'Farrell government will make?

Senator KIM CARR (Victoria—Minister for Human Services) (14:35): Senator Cameron, the government holds the gravest fears for children in New South Wales as a result of the cuts that have been experienced and have been brought about by the New South Wales government. We have seen $1.7 billion reduced from the amounts of support available to children in New South Wales. You ought to get the impression that the New South Wales government is clearly hostile to education.

We have also seen the suggestion that they have lost the odd billion dollars and found it again, and now the budget suddenly is in surplus. I would like to see the families of this country who can suddenly discover a billion dollars down the side of the lounge and ask them whether this is the proper way to run a budget of any family. Of course we know the facts of this matter, that the schools in New South Wales—

Honourable senators interjecting—

The PRESIDENT: Order! I remind honourable senators that it is completely disorderly to have this going on across the chamber at this stage. The minister has 11 seconds remaining.

Senator KIM CARR: It seems that in New South Wales a billion dollars is just loose change. You should ask the question: what is the impact of these cuts on regional
offices, on school cleaning, on availability of teachers—  

(Time expired)

Carbon Pricing

Honourable senators interjecting—

The PRESIDENT: Order! Senator Joyce, you are entitled to be heard in silence. When there is silence we will proceed. If you wish to have a discussion and a debate about certain issues take it outside the chamber.

Senator JOYCE: We were going so well until Senator Carr answered his questions. My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Ludwig. Can the minister explain why an abattoir that emits less than 25,000 tonnes of carbon does not pay a carbon tax; however, if they emit one kilogram more than 25,000 tonnes of carbon they are liable for a carbon tax of 25,000 tonnes by $23 a tonne, which is $575,000? Do you agree that going above 25,000 tonnes incurs the—

Government senators interjecting—

The PRESIDENT: Order! Senator Joyce, resume your seat: you are entitled to be heard in silence and I am entitled to hear the question. When there is silence we will proceed.

Senator JOYCE: Does the minister agree that going above 25,000 tonnes incurs a $575,000 cost, and if you do agree what is the logic behind this perverse decision?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:39): I thank Senator Joyce for his continued interest in climate change. It is quite encouraging. The government is committed to supporting jobs through the transition to a low-carbon economy, particularly in those areas where we are committed to helping abattoirs and meatworks make the most out of our clean energy package.

To answer the specific question, thresholds have to be set at some level; they are set at the 25,000-tonne level for an obvious reason. It is about trying to drive down the CO$_2$ in the environment, including that emitted from meatworks. If you look at what we are doing to assist those areas, many meat processors have already spent time and energy investigating opportunities to become more efficient and to reduce emissions from their sedimentation ponds. Meat processors will also benefit from the $200 million Clean Technology Food and Foundries Investment program for granting investments and programs about how you can mitigate, deal with, improve and reduce emissions; increase energy efficiency and opportunities of capturing methane from these ponds to generate electricity; and to provide better outcomes for the environment. Ostensibly this will drive down their carbon emissions.

In July I announced a new funding ratio under the clean technology investment with Minister Combet, including the food and foundries program, which allows directly liable businesses who emit less than 100,000 tonnes of CO$_2$ equivalent to access the one-to-one funding ratio. There is not only the level of 25,000 tonnes; there is also the 100,000-tonne level which provides a greater assistance to the industry to meet their emissions targets. This means that directly liable eligible— (Time expired)

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:41): Mr President, I ask a supplementary question. Apparently this is not so. I refer the minister to the comments of John Berry of JBS Swift Australia, who said last week that the carbon tax is putting his business under extreme pressure, and that the 25,000-tonne threshold is creating a two-tiered beef industry. Why is
the government making life tougher for our beef industry processing workers who are at a risk of losing their jobs or being put off shifts because of this crazy, arbitrary limit?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:42): I thank Senator Joyce for his insightful question. In asking his first supplementary question Senator Joyce has again missed the point. Thresholds are set across many pieces of legislation, including the tax act and a range of others. This is about driving a lower emissions future. It is about driving a clean energy future. Already, companies like JBS Swift are seeking out ways to drive down their emissions. They already have an opportunity to seek funding from the clean technology investment program. They already have an opportunity to look at their own electricity consumption to drive their emissions down as part of their clean energy future. This is exactly what the ETS we are moving towards will achieve. It will achieve the opportunity for those companies to drive their costs down. (Time expired)

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:43): Mr President, I ask a further supplementary question. Does the minister accept that the cost of processing the unit of beef that causes the abattoir to go above the 25,000 tonnes of carbon emitted is immense, and that therefore there is a strong incentive not to produce that unit as far as his numbers are concerned, reaches about 5,200 bucks, which equates to about $500 for a leg of lamb. They are not going to do that. They are going to continue to take commercial decisions. We as a government have ensured that they can find opportunities and drive their carbon price down. (Time expired)

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:45): My question is to the Minister for Human Services, Senator Kim Carr. Last week the minister gave media interviews in which he said the government currently believes that 10,000 single parents will be ineligible for any form of support once they are moved on to Newstart just after Christmas. Has the government modelled how the loss of all access to the parenting payment, including the concession card and rent assistance, will impact up to 10,000 single-parent families who are currently trying to balance part-time work and caring? If so, what is it? Has the government considered that this policy may have the reverse effect of the supposed intent of the policy—that is, single parents will reduce the number of hours they work so as to retain access to support in order to ensure that their income does not drop?

Senator KIM CARR (Victoria—Minister for Human Services) (14:46): I thank
Senator Siewert for her question. I am not aware of any modelling that the government has undertaken and nor, I would expect, should I be. The policy intent, as I explained in the interviews undertaken last week, is clearly designed to encourage people to participate more in the workforce, which is the major impact for people in lifting their living standards. The question I was addressing in those discussions was the fact that the Department of Human Services is seeking to contact 84,000 people who are affected by the budget decision. We are seeking to contact them on a personal basis, because I was very concerned to ensure that each and every person who was so affected was able to get personal advice on their entitlements and what opportunities there were in terms of the current range of benefits.

To date, I can indicate to you, 74,000 parents have been contacted and 49,000 of those people have had interviews. The vast majority of those 49,000 have moved to Newstart. In the process of that there are opportunities for people to move to other benefits. While there may well be up to 10,000 people who, on current advice, have an income above the threshold for the Newstart allowance, about 5,000 of those are still eligible for various part payments. My concern was to ensure that every single person who was affected by this decision got the best access to the best advice we were able to provide, and that is the process being undertaken right now—no matter where they live or how remote they are, those people have access to the very best services. (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:48): I take it that the answer is no, they are not aware of any impact. Mr President, I have a supplementary question. In the same statement, the minister said that up to 3,000 single parents who would be moved on to Newstart have been identified as eligible for the disability or carers payments. On what basis was this calculation made? Why was this entitlement to a more appropriate payment not identified earlier? Has the government done any work to identify how many other people on the single-parent payment or Newstart payment are unaware that they are on an incorrect payment?

Senator KIM CARR (Victoria—Minister for Human Services) (14:48): The advice that I received from the department is that there would be up to 3,000 people eligible for the benefits that Senator Siewert referred to. The fact remains that when people get individualised treatment and support they may find that they are eligible for other entitlements. That is exactly the point. We want to ensure that people take the phone call from Centrelink and the interviews, and so are able to have the support provided about the range of other benefits available, whether they be through job skills, childcare support or other measures that the government has on offer. It is a question of providing personalised support.

I was somewhat surprised that Senator Siewert suggested in an article that I was disingenuous in this effort. All I can say to you is that the government is— (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (14:49): Mr President, I have a further supplementary question. Why aren’t these people getting individualised treatment in the first place? Previously the government has made reference to the availability of crisis support payments when single parents are being transitioned. How many crisis support payments has the government budgeted for in the first three months of 2013 in light of the policy moves about to be initiated?
Senator KIM CARR (Victoria—Minister for Human Services) (14:50): I do not have that particular figure in front of me. What I can say to you is that we are in the business of ensuring that people get the maximum support available to encourage a more full participation in the economy. The critical issue in relieving poverty in this country is to ensure that people are able to participate in the economy. It is about getting people into work—that is the most important activity we can undertake to ensure that people are able to lift their living standards. However, in that process there are a series of other benefits available, including family tax benefit A. People can earn up to $47,800 and still receive maximum family tax benefit A, rent assistance, childcare support and healthcare support. We are in the business of making sure that we break the cycle of poverty in this country. I would have thought you would commend the government for that action, rather than suggesting that people are disingenuous.

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:51): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Ludwig. I refer the minister to three denials the White House issued in three days regarding the United States introducing a carbon tax. In particular, a White House official on 13 November said:

"The Administration has not proposed nor is planning to propose a carbon tax."

The next day, on 14 November, the White House said it would not 'ignore jobs and growth simply to address climate change' but instead wanted to make sure middle-class families do not get a tax hike. Finally, on the very next day, 15 November, the White House said:

We would never propose a carbon tax, and have no intention of proposing one.

Does the minister accept that with three denials in three days there is no chance of the United States replicating Australia's carbon tax any time soon?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:52): I thank Senator Birmingham for his continued interest in setting a price on carbon, particularly in the US. It is important to look at the global action that is being taken to address climate change. I know Senator Birmingham for his continued interest in setting a price on carbon, particularly in the US. It is important to look at the global action that is being taken to address climate change. I know Senator Birmingham is fixated on the US, but even California and a range of states have looked at how they can reduce their carbon. They have worked through a range of opportunities to reduce their carbon emissions and provide one of the additional global actions that are being taken. Many countries are also undertaking the same action.

The climate change commission, as I mentioned yesterday, completely dispels the myth that Senator Birmingham wants to purvey. Senator Birmingham's major premise in his question is that no-one is taking action on climate change and that the US is typical of that large block that is not taking action. But if you look at the facts, you see that the global community is taking action on climate change, including states within the US. Why? They want to ensure that they reduce their carbon emissions because they understand that climate change is real and they believe that they need to take action to address carbon emissions. Ninety countries representing about 90 per cent of the global economy have committed to reduce their carbon pollution and have policies in place to give effect to that. Those are the facts on what is occurring throughout this area. The commission's report also concluded that a
carbon price is the most cost-effective way to reduce emissions and is more efficient than any direct subsidy policy. Those opposite would tell us that their direct action would work. It would not work, it would not provide the opportunity—  *(Time expired)*

Senator BIRMINGHAM (South Australia) (14:54): Mr President, I ask my first supplementary. Will the minister then explain how it will be to Australia's benefit to have in four years time, at the conclusion of the Obama administration, a national economy wide carbon tax the government itself forecast to be in excess of $30 per tonne when the United States, the world's largest economy, still will not have one at all?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:55): I thank Senator Birmingham for his first supplementary question.

Honourable senators interjecting—

The PRESIDENT: Order! Interjections are disorderly. Senator Ludwig is entitled to be heard in silence.

Senator LUDWIG: If you look at what the US have committed to, you can see that Senator Birmingham does not do justice to it in his question. If you look at the comparability of Australia's efforts on a range of indicators, Australia's 2020 targets are comparable to those of other advanced economies, including the US. They have a 2020 target of 17 per cent below 2005 and a percentage change from 1990 of minus 2, a percentage change in per capita emissions of minus 29 and a cut in per capita emissions in 2020, implied by targets, of 17. That is what the US is seeking to achieve. But again it is global action that is being undertaken—

Senator Birmingham: Mr President, I raise a point of order. Perhaps Senator Ludwig would care to explain to the chamber how it is they are achieving these targets without a carbon tax.

The PRESIDENT: That is not a point of order. Senator Ludwig.

Senator LUDWIG: It does seem that those opposite have lost the plot trying to explain why the world has not ended from 1 July when we introduced a price on carbon. *(Time expired)*

Senator BIRMINGHAM (South Australia) (14:56): I ask a further supplementary question, Mr President. Given that the Obama administration have demonstrated after their re-election that they could be taken at their word when they said that there would be no carbon tax under the administration he leads, why couldn't Prime Minister Gillard be trusted when she said prior to the last election that there would be no carbon tax under the government that she leads?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:57): I thank Senator Birmingham for his second supplementary question. What he does is really underline the problem the opposition have. From 1 July this government has taken action to address climate change. Senator Birmingham would have liked to engage in that and do the same but he could not find the courage to do it. And all of the absurdities that Mr Abbott mentioned did not come true. You knew they were never going to come true, Mr President, and so did Senator Birmingham. The Californian government on 15 November effectively kicked off its emissions trading scheme. Again the US is acting through its states. That will provide opportunities across the globe in terms of how emissions can be
reduced, and it is a far better place to be than what Senator Birmingham wants to suggest.

East Asia Summit

Senator SINGH (Tasmania) (14:58): My question is to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister inform the Senate of the Australian government's objectives for the seventh East Asia Summit in Cambodia?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:58): The Prime Minister and trade minister Emerson are attending the East Asia Summit meeting in Cambodia this week. It is critical for Australia to have a seat at this table. The EAS is the only forum that brings together the leaders of South-East Asia with major powers. The summit's mandate covers economic, political and security issues in the region, and the 18 EAS countries represent 55 per cent of the world's population and around 53 per cent of global GDP.

Nine of Australia's 10 largest trading partners are in the EAS. They represent almost 70 per cent of our total trade.

Australia is a founding member of the EAS, which was established in 2005, and we led the expansion of the organisation to include the United States and Russia. That was a great Australian foreign policy goal achieved. The first meeting of the expanded EAS was in Bali last year and the US President and the Chinese Premier were at the same table with regional leaders. That underlines the importance and indeed the unique quality of this forum. That meeting had a new focus on political and security issues, as well as on other areas of economic cooperation. We expect this year's summit to consolidate the political and security agenda and to take some important steps forward on economic cooperation. There has been discussion between us and members of the forum, especially those in ASEAN, about the importance of a common ASEAN position on territorial disputes in the South China Sea. We have encouraged ASEAN members to move towards that common position, reflecting in particular an approach to the management of territorial disputes—that is, the code of conduct that governs the behaviour of— (Time expired)

Senator SINGH (Tasmania) (15:00): Mr President, I ask a supplementary question. Can the minister outline the nature of the discussions at the EAS, including on trade?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (15:01): At the summit Australia will discuss regional security, including nonproliferation, a very important goal of this government—

Senator Ian Macdonald: It's good to see you facing the President.

Senator BOB CARR: Speak up, I can't hear you—maritime security and transnational crime. We will launch negotiations on the Regional Comprehensive Economic Partnership, the regional trade pact that involves ASEAN countries and their six existing FTA partners—that is, Australia, China, India, Japan, New Zealand and the Republic of Korea. The Prime Minister will seek a commitment from EAS leaders to tackle drug-resistant malaria. Last month Asia-Pacific countries agreed to cut malaria-related deaths by 75 per cent and to fight, in particular, drug-resistant malaria. Today Australia will also announce that we will fund the $50 million Australia Asia Program to Combat Trafficking in Persons. This will strengthen criminal justice systems in Cambodia, Indonesia, Laos, Myanmar, the Philippines, Thailand and Vietnam. (Time expired)

Senator SINGH (Tasmania) (15:02): Mr President, I ask a further supplementary question. How does participation in the East
Asia summit advance the objectives of the Asian century white paper?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (15:02): Australia has strong bilateral relationships with countries in our region, including the 10 member states of ASEAN. The Asian century white paper affirms our commitment to increased engagement in the region. It is a roadmap; it is a strategic guide. The Asian century white paper affirms the centrality of ASEAN. It is very important for those nations and important for regional fora like the EAS.

The EAS promotes security cooperation, rules-based norms and regional economic integration. The white paper also outlines opportunities for Australian businesses to expand and integrate into regional markets. We support complementary initiatives, such as the Regional Comprehensive Economic Partnership and the Trans-Pacific Partnership Agreement. Both will help lower trade and investment barriers and will boost living standards across the region.

Australia should be involved in shaping these initiatives, which will provide benefits for Australia's economy.

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Convention against Corruption

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:03): 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 Fierravanti-Wells today relating to the United Nations Convention Against Corruption.

We had a remarkable occurrence in the Senate at the beginning of question time when Senator Fierravanti-Wells asked about the United Nations Convention on Corruption and its domestic application within Australia, in particular to state and territory governments. The question was asked of a minister who was the Premier of New South Wales, the second largest government—the largest state government—in Australia.

The second supplementary question, might I remind you, was this:

Does the minister feel compromised in advocating Australia's support for the convention in the international arena given that, at the time Australia became a signatory to the convention, he, as Premier of New South Wales, presided over a government riven by corruption, as revealed by the Eddie Obeid scandal?

What was remarkable was Senator Bob Carr's answer to that question. It was a one-word answer, a monosyllabic answer: no. Senator Carr did not want to go anywhere near this issue. So petrified was Senator Carr of going anywhere near this issue that, in answering Senator Fierravanti-Wells' question, he actually conceded the premise. He did not even trouble to dispute Senator Fierravanti-Wells's assertion in her question that he, as Premier of New South Wales, had presided over a government riven by corruption.

I am bound to say that when we drafted this question we thought that the government might take objection to it—that they might take objection to the assertion implicit in the question. But they let it go—

Senator Lundy: Mr Deputy President, I rise on a point of order. Because of the way in which Senator Brandis is addressing this matter he is impugning something on Senator Bob Carr. I think it is inappropriate and I think you should rule it out of order. It is outrageous.
The DEPUTY PRESIDENT: It is a debating point, Senator Lundy. Senator Brandis, you have the call.

Senator BRANDIS: As I said, we thought, 'Perhaps the government will take umbrage at the question, with the assertion contained in it about Senator Carr's record as Premier of New South Wales.' Not only did they let it go by and pass without objection but Senator Carr himself let it pass without objection and merely said no, the shortest word he could think of, so that he could sit down at once—so fearful are the Australian Labor Party of opening up this issue.

The fact is that before the ICAC inquiry in Sydney today, and in recent days, the Australian public, and the New South Wales public in particular, have been astonished at revelation after revelation, which counsel assisting the inquiry has described as 'the greatest corruption scandal in New South Wales history since the days of the Rum Corps'. Do you know how much Mr Eddie Obeid and his family made out of a favourable rezoning and a favourable ministerial decision by Mr Ian Macdonald—not our distinguished colleague Senator Ian Macdonald, but the corrupt Labor Party hack Mr Ian Macdonald? The ICAC hearing has heard that it was up to $100 million. And under whose period as the Premier of New South Wales did Mr Eddie Obeid, Mr Ian Macdonald and Mr Joe Tripodi prosper? They prospered under the leadership of the now Senator Bob Carr.

It is all very well for Senator Bob Carr to flounce into the Senate and give us pious lectures about international relations. The real truth is that when Senator Bob Carr was the Premier of New South Wales he, at best, Horatio Nelson like, put the telescope up to his blind eye and said: 'Corruption, corruption? I don't see any corruption. Even though I'm the Premier, even though these are my ministers, even though this is happening on my watch, even though I have ministerial responsibility, I don't see any corruption.' Senator Bob Carr has a lot to answer for, as every single day's evidence in the ICAC hearing in Sydney reveals.

Senator FURNER (Queensland) (15:09): It is my pleasure to rise this afternoon to respond to questions provided by Minister Bob Carr. Firstly, Australia is a party to a number of international instruments aimed at combating corruption; and certainly, under international anti-corruption efforts, we have demonstrated our agenda, our needs and our commitment to making sure that that is put in place. We are also united in our efforts under the United Nations Convention against Corruption, the United Nations Convention against Transnational Organised Crime and the Organisation for Economic Co-Operation and Development—

Senator Brandis: Mr Deputy President, on a point of order: my motion is to take note of the answer given by Senator Bob Carr to one question—not to other questions, such as those he referred to in his last answer to Senator Singh, but only the question asked of him by Senator Conchetta Fierravanti-Wells, and that question only asked about the United Nations Convention against Corruption.

The DEPUTY PRESIDENT: I believe Senator Furner's answer is in order, he is relevant, as the question did go to the United Nations. Senator Furner, I draw your attention to the question, but you are in order and you have the call.

Senator FURNER: Thank you, Mr Deputy President; I am certain I was on that path. What astounds me today listening to Senator Brandis, a Queensland senator, is that he would no doubt be aware of

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corruption. I refer to governments that have been in place in the state of Queensland. Just today I was looking at *The Moonlight State*, about the Fitzgerald inquiry, which no doubt he would be quite familiar with in terms of what occurred.

**Senator Brandis:** Mr Deputy President, on a point of order. Truly, it is neither directly nor indirectly relevant to the motion to take note of an answer by Senator Carr to a question about the United Nations Convention against Corruption and the role of Senator Carr as Premier of New South Wales to be referring to events that took place in another state, at a different time, involving entirely different people.

**The DEPUTY PRESIDENT:** Thank you, Senator Brandis. I do still rule that Senator Furner is within his rights to address the remarks that he is. I draw his attention to the answer given by Senator Carr, and that is what the debate is about. However, the question asked by Senator Fierravanti-Wells did contain matters pertaining to corruption and the United Nations, and in that context I will allow Senator Furner to continue.

**Senator Furner:** I will be getting to the point of the United Nations Convention against Corruption later, as I alluded to in my opening comments. Senator Brandis must be embarrassed about the conduct of the current Liberal-National state government in Queensland and the degree of corruption they are involved in with respect to their nepotism and scurrilous behaviour in that state. You need only look at the conduct of the current arts minister, Ros Bates; the now dismissed, or retired, housing minister, Dr Flegg; the transport director, Michael Caltabiano; and a whole web of nepotism and corruption that is being created in Queensland as a result of the activities of its current government. No doubt, over time we will see—

**Senator Fifield:** Mr Deputy President, on a point of order: I seek your guidance here. Senator Furner is making quite serious allegations about members of another parliament in Australia. The debate that we are having here is in relation to the questions which were posed to Senator Carr about an international treaty, and it is not entirely clear to me how the matters to which Senator Furner has referred relate to the matter which is the subject of this debate.

**The DEPUTY PRESIDENT:** Thank you, Senator Fifield. Before you rose to your feet, I was about to call Senator Furner to order. Senator Furner, whilst I allowed you latitude in relation to the question that was asked in relation to the answer by Senator Carr, you have now strayed into other matters. I draw your attention to the question. We are taking note of the answers given by Senator Carr to a specific question asked by Senator Fierravanti-Wells.

**Senator Furner:** Thank you, Deputy President. I was using that purely as an example because the inference was made by Senator Brandis about the Honourable good member Bob Carr in terms of his period as the Premier of New South Wales. But if they are that precious I will refrain from touching that nerve that hits them so severely when we talk about the current Queensland government and their nepotism and their activities that have been in the media for some time now. It is a concern of the Queensland Liberal-National Party, no doubt, by the degree of defence that has been contributed towards them in this chamber today.

The United Nations Convention against Corruption is the first binding global instrument aimed at combatting corruption. We know that. Certainly Senator Brandis would be aware of this with his involvement on the Senate Standing Committee on Legal
and Constitutional Affairs and the Senate estimates program, which I am involved in as well. We hear from regular departments about their particular activities. It is an area where it has certainly established mechanisms for the prevention and criminalisation of corruption as well as for international cooperation and asset recovery.

Today in an inquiry by another committee that I am involved in—the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade—we were actually looking at this particular area as well, with regard to sex slavery and child slavery and with regard to what leads to the corruption and involvement in that sort of activity globally around the world and how, hopefully, we can eliminate that through the assistance of organisations like this, because it is an insidious trade. After you go through the most criminalised activities in the world, those being arms and drugs, third comes the trade of sex exploitation through the human trafficking of people around the world. So I am certain that instruments like the United Nations Convention against Corruption will assist with regard to establishing fair measures to eliminate those sorts of activities around our centre—because we are neighbours to the Asian rim, which is a high trading area of that sort of trade through our region. (Time expired)

Senator FIERAVANTI-WELLS: I rise to speak on Minister Carr's response to my question. As Senator Brandis correctly said, he took no objection to the premise of my question. He was so eager to stand up and reply no that he clearly admitted that the premise of my question—namely, that as Premier of New South Wales he presided over a government riven by corruption, as revealed by the Eddie Obeid scandal—is actually correct. One needs to look at the attitude that Minister Carr, then Premier of New South Wales, had in relation to Eddie Obeid. Let me quote two extracts from The Reluctant Leader, written by Marilyn Dodkin in relation to Bob Carr. The first one is:

I wake up yesterday to switch on the 7 am news and hear Brogden saying fisheries Minister Eddie Obeid should stand down while the ICAC investigates a front-page Herald fantasy that he solicited a million-dollar donation to the ALP in exchange for approving the 600 poker machines required for the Bulldogs Oasis development at Liverpool. I ring Obeid. He says it's a total fabrication. By 7.30 am (fast work) I am running on all bulletins rebutting the story. The Obeid story does not take off.

Then there is this one:

Three right-wingers—Bob Martin, Eddie Obeid and Franca Arena—fought for the last right-wing place in the ministry. Carr voted for Obeid.

So that tells its own story.

It was interesting to see Franca Arena last week also writing in the papers. She has been absent from writing in the papers recently. She reminded us all that when she was calling for investigation in New South Wales in relation to child abuse we saw the end of her political career in New South Wales. So, has Minister Carr ever stopped, paused to reflect, that had he not promoted, protected and defended Mr Obeid Australia would not now be in a position where its international reputation is at risk of being stained by the activities of this scandal in New South Wales which, as Senator Brandis correctly points out, is one of the worst examples of corruption that this country has ever seen?

But wait, there is more. I am sure that this ICAC inquiry is going to reveal much, much more. I think what we have seen is only the tip of the iceberg. Let us not forget about Sussex Street. I see Senator Thistlethwaite over there, and I am looking forward to hearing what Senator Thistlethwaite is going
to tell us about the New South Wales right. Perhaps he might share some information he knows about Eddie Obeid and some of his dealings and the dealings of the Terrigals in New South Wales. Perhaps he has something to contribute to this debate.

When you look at what has happened in New South Wales you definitely see that Eddie Obeid was a protected species. Time precludes me from trawling through the many examples in the New South Wales parliament when Minister Carr was the Premier where questions were raised about scandal after scandal involving Eddie Obeid. And do you know what? Very few questions were directly answered. When it was in relation to Mr Obeid, for example, in September 1999, about pecuniary interest and failure to properly disclose there, all that Premier Carr did was patronise the Leader of the Opposition, Kerry Chikarovski, by basically batting it off and being patronising in telling her that on this occasion he would extend latitude to her.

In this current debate, perhaps misogyny might have been reigning supreme at that time, but it is not a convenient excuse as we are seeing it at the moment.

Then of course there was, as I said, the Oasis Liverpool development, and the pecuniary interest disclosures, which ultimately ended up showing that Eddie Obeid had made 154 errors in his pecuniary interests since 1991.

Senator THISTLETHWAITE (New South Wales) (15:22): Australians are an honest and hardworking people who value integrity and fairness in our people-to-people relations and in our trade and business dealings—indeed, even in our sporting relations with other nations. This is well reflected in our system of government, our judiciary and the organisations that we as a people have established to investigate, to try and to prosecute wrongdoing in this country. I include in that list of organisations the states' anti-corruption watchdogs. Australia has a lot to be proud of in fighting corruption as a nation. Many nations do not have the protections, legal system and stable democracy that Australia has. That is something for which we should all be grateful and thank those who have come before us for establishing this wonderful democracy that we call home, Australia.

In fighting corruption, Australia is a leading nation on the international stage. It punches well above its weight in ensuring that integrity is maintained worldwide when it comes to relations between governments, and business dealings and trade between nations. Australia is a key member of the G20 Anti-Corruption Working Group and participated in the negotiation and development of the G20 anti-corruption plan. At the 2012 leaders summit, the mandate of the working group was extended another two years. We led Australia's participation in the working group and have been involved in a number of initiatives such as working with other nations in our region to improve international cooperation to combat corruption. This has included the development of the G20 guide on mutual legal assistance which provides a concise, step-by-step guide to mutual assistance requests.

Of course we are also involved in the United Nations Convention against Corruption. The UNCAC is the first binding global document that deals with corruption. States that are parties to the UNCAC are required to undergo a review of their implementation of key chapters every five years. Australia, as a party to that process, recently went through a review. In 2011-12, Australia's compliance with chapter 3, relating to criminalisation and law enforcement, and chapter 4, relating to
international cooperation, was reviewed. The review involved the completion of a comprehensive self-assessment report, and country visits by experts from other nations, in this case Turkey and the United States, for discussion with Australian subject-matter experts. The review team has completed that review and the report is currently being prepared to go to the UNCAC.

Often when I talk to business people they say that Australia is an attractive place for investment. One of the principal reasons for that is that Australia is a stable democracy. People can have trust and confidence in the system of government that we run in this country and the organisations involved in the administration of justice that we have set up as a nation—far from other nations, such as Africa, the Middle East and the subcontinent, where some of those protections are not available in government relations.

This is reflected in the statutes and administrative bodies devoted to ensuring integrity in public decision making. They include the Australian Commission for Law Enforcement Integrity, which provides independent assurance to government about the integrity of the Australian Federal Police, the Australian Customs and Border Protection Service and the Australian Crime Commission. We have the Australian Public Service Commissioner, who is entrusted with the role of ensuring the integrity of the Australian Public Service code of conduct. There are also, of course, as Senator Carr mentioned, those systems that we have set up including freedom of information, the role of the ombudsman and the estimates process which we undertake on a regular basis here in this place to ensure integrity in our system of government. (Time expired)

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:27): In Senator Thistlethwaite's speech, is it any wonder that Mr Eddie Obeid was never mentioned? It was Senator Thistlethwaite who backed Mr Sartor to become premier. But the Obeid-strengthened faction soon overruled that. Like my colleague Senator Brandis, I was amazed at the answer from the foreign minister, Senator Bob Carr—a one-word answer. I wonder why? It was: 'Let's steer around this time-bomb! Don't go near it!'

If what has been revealed in allegations before ICAC in New South Wales were not so serious, it would be like a comic program on television. It would be a humour show. It would be funny. But it is really serious, what is coming out there. The Independent Commission Against Corruption is investigating allegations that the family of former MP Eddie Obeid and a group of his associates stood to profit by around $100 million from inside knowledge about mining leases in the Bylong Valley. Mr Obeid allegedly concealed his involvement in the Bylong Valley through a complex network of companies and trusts. A friend of the Obeid family made a memorable appearance last week. Justin Kennedy Lewis agreed to buy the property Coggan Creek for $3.5 million in November 2008, and immediately signed a deed that would grant the Obeids 30 per cent of any profit made from reselling the farm to Monaro Mining.

What a generous man! Mr Lewis said: 'I'll buy this property, Coggan Creek, for $3.5 million,' and immediately signed a deed where he would give 30 per cent of any profits made from the reselling of that farm to the mining company—as I said, an enormously generous sort of chap.

Mr Lewis, when asked what the cows were doing on his new farm, replied, 'Walking around and just eating grass.' What a very good answer! I have lived in rural Australia all my life and I have noticed that it
is quite common practice for cows to walk around and eat grass. He could not quite work out what the cows were for. He did not remember if they were beef cattle or dairy cows or cattle just there on agistment. Counsel assisting the inquiry, Geoffrey Watson SC, asked, 'Had you spoken to an agronomist?' Mr Lewis said, 'A what?' Mr Lewis said he had been told by one of Eddie Obeid's sons that the property could be sold for four times its value, because of coal deposits in the area—but he felt it was a long shot.

Let us look at the circumstances surrounding the purchase of the property Donola. The Obeids purchased a 50 per cent stake in the property, while the other half was owned by property developer brothers Rocco and Rosario Triulcio. The property quadrupled in value after Minister Macdonald opened up the region for mining. Mr Watson said, 'So you made no inquiries whatsoever about the viability of Donola as a farm?' Rosario said that, no, they had never investigated anything about it being a farm.

Mr Watson said:

Ever go and consult a designer or an architect?---No.
A town planner?---No.
...
Did you know whether it was served by water, sewerage or power?---No.
Mr Watson later asked:

Wouldn’t have known whether they ran goats or rats or cows there would you?
The reply was:

I'm assuming they didn't run rats.
To which Commissioner David Ipp quipped:

Not four-legged ones.
As I said, if this were not so serious, it would be like a TV comedy show. It is serious. The allegations are serious. What do the public think when people are elected into senior positions and then these allegations about them come out in an ICAC inquiry? It will all come out in the wash. We do not know what the future will bring.

Of course, the Obeid-Macdonald sideshow followed the saga of the generous discount given to former roads minister Mr Eric Roozendaal for his new Honda CRV. Mr Roozendaal was so delighted with his new toy that he forgot to get it registered in his or his wife's name and gave false information to his own agency, the Roads and Traffic Authority. As Senator Cameron said, the problem they have in the Labor Party is that in Western Sydney people do not trust them. It will be all around Australia.

(Time expired)

Question agreed to.

Pensions and Benefits

Senator SIEWERT (Western Australia—Australian Greens Whip) (15:33): I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Kim Carr) to a question without notice asked by Senator Siewert today relating to Newstart.

The minister said that he is unaware of any government modelling that looks at the impact of moving 10,000 single parents and their families onto Newstart. When this move happens, these single parents will lose income support, which means they will also lose access to a concession card and potentially lose access to things like rent assistance. And there has apparently been no modelling to look at what this means for these single parents and their children. In other words, we do not know what impact this potentially will have on the income of these single parents.

This policy, as the minister said again in this chamber this afternoon, is supposed to be about increasing single parents' participation in the workforce. The parents that we are talking about, these 10,000
people—and I will come to the broader cohort in a minute—are already working. We are going to see these 10,000 people being moved off income support, and we do not know what impact that is going to have. It is going to drop their income. Has the government not modelled it, or is the minister unaware of it? These 10,000 people are already doing what the government wants them to do: they are trying to have a work-life balance, to work and to support their children. In other words, they are already doing this whole thing about modelling being a good parent, modelling working in a family—and yet we are going to punish them. We do not know how much we are going to punish them, but we are going to punish them and drop their income.

I am very concerned that this policy will have the reverse effect to the one intended. Parents are doing the right thing and working, but we are likely to be dropping their income. What would you do to protect your income? You would potentially reduce the number of hours that you were working so that you could maintain some income support, maintain your concession card and maintain your rent assistance—but, most importantly, maintain your family's income. The government are so obsessed with demonising single parents and with the budget bottom line that they are not even looking at the perverse incentives of their policy initiatives.

I am interested that the minister took offence at my comments last week about him being disingenuous. My question is: why are the government suddenly trying to be nice to single parents, over 10,000 of whom we are moving onto Newstart, dumping them there to lower their income? The government has decided that it is going to try to make it sound a little bit better and say that we will actually be doing what we should have been doing all along—or getting Centrelink to do what they should have been doing all along—and that is making sure that, if a person is eligible for the disability support pension, they should actually be on that; if they are eligible for carer's payment, they should actually be on that. 'We're doing a nice thing now: we're helping these people get on their right payment—those few people we don't dump onto Newstart—and we're giving them all personal phone calls!'

What about all the other single parents and all the other people who are not on appropriate payments? Are we going to be looking after them? Does that ipso facto imply that Centrelink does not treat its clients personally? I have just been sitting through the Newstart inquiry, where I have been assured by the government departments that they treat all Centrelink clients appropriately, give them personalised service and make sure they are getting appropriate employment services. Yet the minister today and in estimates has been at great pains to say how Centrelink now treats its clients with a much more personal approach. The government could not tell me how they had worked out that these 3,000 people were all of a sudden deserving of a different payment. This is a flawed policy. The government should abandon it and appropriately support single parents and their families. These are our future generations that we are condemning to poverty again.

Question agreed to.

NOTICES
Presentation

Senator Thistlethwaite to move:

(1) That the following matter be referred to the Committee of Privileges for inquiry and report:

Whether there was any unauthorised disclosure of the draft report of the Select Committee on Electricity Prices and, if so, whether any contempt was committed in that regard.
(2) That, for the purpose of this inquiry, the Committee of Privileges have power to consider and make use of the minutes of private meetings of the Select Committee on Electricity Prices, correspondence referred to in paragraphs 7.6 to 7.8 of the committee's report and any other document relevant to the question of possible unauthorised disclosure of the committee's draft report.

Senator Ludlam to move:
That the Senate orders that there be laid on the table by the Minister representing the Minister for Resources and Energy, no later than noon on Monday, 26 November 2012, a map revealing the precise geographical location of the proposed alternative site for a nuclear waste dump referred to by the Northern Land Council Principal Legal Officer at a press conference on Crab Claw Island on Tuesday, 13 November 2012.

Senator Lundy to move:
That the Senate notes that:
(a) Friday, 16 November 2012, was the celebration of Deepavali, a special day in the calendar for Indian Australians;
(b) Deepavali or the 'festival of lights' is a positive and joyous celebration that represents hope, renewal, happiness, forgiveness and goodwill;
(c) Deepavali is one of the biggest celebrations of the year – it transcends religious differences to unite everyone in celebration; and
(d) Australia is a richly multicultural nation which embraces the religious and cultural traditions of our diverse population.

Senator Cash to move:
That the Senate—
(a) notes that 25 November 2012 marks White Ribbon Day, the United Nations' International Day for the Elimination of Violence Against Women;
(b) recognises that:
(i) statistics show one in three women in Australia has experienced violence since the age of 15 and one in five has experienced sexual violence,
(ii) all forms of violence, including physical, sexual, financial and psychological, are unacceptable,
(iii) the social and economic costs to Australian families and all Australians that stem from domestic violence and violence in the home are devastating, and
(iv) men's involvement in the reduction of violence against women in Australia and across the world is imperative, both in speaking out against it and in teaching the next generation of Australian children that it is under no circumstances acceptable;
(c) acknowledges that:
(i) all women, regardless of their status, deserve to live their lives free from the trauma, despair and impaired health that violence can inflict on them,
(ii) whatever a person's circumstances, the role of government is to keep them safe from violence, and
(iii) the work of thousands of women and men across Australia in agencies and through domestic violence services does help keep some women and their children safe;
(d) congratulates the more than 54 000 men who have pledged through White Ribbon to never stay silent on violence against women; and
(e) encourages all Australians to purchase a white ribbon and wear it on White Ribbon Day to highlight that violence against women is simply not acceptable.

Senator Siewert to move:
That the Senate—
(a) acknowledges that:
(i) the United Kingdom (UK) Government has an inconsistent policy of freezing pension-indexation for expatriate UK citizens, with the payments frozen for UK citizens living in countries including Australia and Canada, but being appropriately indexed for UK citizens living in other jurisdictions, including the European Union and the United States of America,
(ii) the pension-freeze policy currently affects approximately 250,000 expatriate UK citizens living in Australia,

(iii) approximately 190,000 expatriate UK citizens in Australia access the Australian pensions system to supplement their UK pensions, and

(iv) the annual cost of this pension freeze to Australia is estimated at $110 million per year;

and

(b) calls on the Australian Government to continue all reasonable diplomatic efforts to persuade the UK Government to appropriately index pensions for all expatriate UK citizens.

Senator Ludlam and Siewert to move:

That the Senate—

(a) notes:

(i) strong support and popularity has been expressed by the blind and visually impaired community for the Australian Broadcasting Corporation’s (ABC) 13 week trial of audio description of scenes during television programs,

(ii) that technical issues identified during the trial will be reported to the Minister by the ABC by the end of 2012, and

(iii) the 5 November 2012 statement by the Minister indicating that the Government will work with all parties to address the technical difficulties towards establishing a permanent service; and

(b) calls on the Government to:

(i) make the ABC report on the audio description trial public, and

(ii) support the inclusion of funding for audio description in the ABC triennial funding process.

Senator Macdonald to move:

That the Senate—

(a) notes that:

(i) since the cessation of the export of kangaroo meat to Russia, the macropod harvesting industry has suffered a severe downturn, and

(ii) this cessation has had an impact on the livelihoods of hundreds of macropod harvest operators and their families, which in turn has had a significant impact on the local economies of some small western Queensland localities; and

(b) calls on the Government to do everything possible to reinstate the kangaroo meat export trade to Russia and elsewhere.

Senator Milne to move:

That the Senate—

(a) notes that Palestinian representatives have indicated that on 29 November 2012 they will be introducing a resolution to the United Nations (UN) General Assembly to recognise Palestine as a non member state of the UN; and

(b) calls on the Australian Government to support Palestine in being granted non member state observer status at the UN.

Senator Milne to move:

That the Senate—

(a) notes:

(i) as of 19 November 2012, the tragic loss of over 100 Palestinian and three Israeli lives in the latest conflict in Gaza,

(ii) the disproportionate Israeli response in Gaza and that the parties to the conflict are not equivalent as Israel is the world’s fifth largest military power and Palestine has a weakened and constricted economy and is subject to restrictions on freedom of movement and goods in breach of international law, and

(iii) rather than women and children being used as human shields in Gaza, the small physical area of Gaza means there is nowhere for women and children to go to be safe from bombings; and

(b) calls on:

(i) the parties to the conflict in Israel and Palestine to immediately cease all armed attacks in order to protect civilians, and

(ii) the Australian Government to:

(A) strongly advocate for an immediate cease fire and for Israel to lift the blockade of Gaza,

(B) use its new found influence as a member of the United Nations Security Council to urge the implementation of the recommendations of the Fact Finding Mission on the Gaza conflict in 2009 (the operation known by the Israeli Defence
Force as Operation Cast Lead) to ensure the atrocities of that conflict are not repeated, and

(C) reiterate Australia's commitment to a two state solution.

Senator Ryan to move:
That the Senate—
(a) condemns the repeated rocket and mortar attacks on Israel from the Gaza Strip;
(b) supports Israel's right to defend itself against these unacceptable and indiscriminate attacks;
(c) calls on Hamas to immediately cease the rocket and mortar attacks on Israel;
(d) notes that Australia has listed the military arm of Hamas as a terrorist organisation; and
(e) expresses concern over pro Hamas rallies in Australia.

Senator Hanson-Young to move:
That the Senate—
(a) condemns:
(i) Uganda's Anti-Homosexuality Bill, known as the 'Kill The Gays Bill', which establishes a death penalty for certain homosexual acts and penalty of life imprisonment for being in a same sex relationship, and which may be passed into Ugandan law before Christmas 2012, and
(ii) Nigeria's Anti-Gay Bill, known as the 'Jail the Gays Bill', which establishes a penalty of 14 years imprisonment for same sex marriage and a penalty of 10 years imprisonment for cohabiting in a same-sex relationship or supporting gay rights, and may be passed into law in the coming weeks; and

(b) calls on the Australian Government to use all diplomatic measures to urge the Ugandan and Nigerian Governments to withdraw their draconian anti gay bills.

Senator Hanson-Young to move:
That the Senate—
(a) notes:
(i) homosexual acts were decriminalised in Victoria in 1981 but that convictions prior to that date can still appear on a Victorian person's police record, and
(ii) that the United Kingdom (UK) recently enacted legislation to expunge historic convictions for homosexual acts which were imposed prior to the decriminalisation of homosexuality in the UK; and
(b) calls on all Australian states and territories to enact legislation that expressly purges convictions imposed on people prior to the decriminalisation of homosexual conduct.

Senator Hanson-Young to move:
That the Migration Amendment Regulation 2012 (No. 5), as contained in Select Legislative Instrument 2012 No. 230 and made under the Migration Act 1958, be disallowed. [F2012L01961]

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

Senator Rhiannon to move:

Senators Brown and Bushby to move:
That the Senate—
(a) records its disappointment at the decision by the Australian Broadcasting Corporation (ABC) to close the Tasmanian television production unit;
(b) notes the ABC's obligations to capture cultural diversity and local programming;
(c) calls on ABC Managing Director, Mr Mark Scott, to reverse his decision and reinstate the Tasmanian television production unit;
(d) expresses its disappointment at the loss of 17 highly skilled jobs in the Tasmanian television production unit; and
(e) records its concern with the continuing centralisation of ABC production in Melbourne and Sydney.

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:


I table the exposure draft legislation and explanatory notes relating to this reference.

COMMITTEES

Selection of Bills Committee

Report

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:39): At the request of the chair of the Selection of Bills Committee, Senator McEwen, I present the 15th report of 2012 of the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE

REPORT NO. 15 OF 2012

1. The committee met in private session on Monday, 19 November 2012 at 7.51 pm.

2. The committee resolved to recommend—That the provisions of the National Gambling Reform Bill 2012, the National Gambling Reform (Related Matters) Bill (No. 1) 2012 and the National Gambling Reform (Related Matters) Bill (No. 2) 2012 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 27 November 2012.

3. The committee resolved to recommend—That the following bills not be referred to committees:

   • Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012
   • Customs Amendment (Malaysia-Australia Free Trade Agreement Implementation and Other Measures) Bill 2012

   The committee recommends accordingly.

Anne McEwen
Chair
19 November 2012.

Reference

Senator CAROL BROWN: I move:

(a) that the report be adopted; but

(b) in respect of the National Gambling Reform Bill 2012, the National Gambling Reform (Related Matters) Bill (No. 1) 2012 and the National Gambling Reform (Related Matters) Bill (No. 2) 2012, the provisions of these bills be referred to the Community Affairs Legislation Committee instead of the Finance and Public Administration Legislation Committee for inquiry and report by 27 November 2012.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:39): Could I just check that Senator Brown referred the bills to the community affairs committee and the finance and public administration committee?


Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:40): I move to amend the motion as follows:

Paragraph (b), omit all words after "be referred", substitute "to the Finance and Public Administration Legislation Committee, for inquiry and report by 27 November 2012."

It is a sorry saga which has befallen the treatment of the package of bills in relation to gambling reform. You may recall that as part of the agreement that the government reached with Mr Wilkie to secure his support they undertook to present to the parliament a
package of measures to give effect to his desire to see mandatory precommitment—something which the opposition never supported. But it was initially publicly flagged by the government that that original package of legislation was to come into the parliament in March of this year. The opposition at that time indicated that it was our desire to have that package of bills referred to a committee for inquiry, as is appropriate. So there was a contingent reference to the Selection of Bills Committee submitted at that time.

As is a matter of public record, the government reneged on the agreement with Mr Wilkie. The government went through a period of time where they had multiple positions in relation to gambling reform. Ultimately and finally legislation was introduced into the House of Representatives on 1 November. This legislation does deserve serious inquiry. If the chamber supported the report, which proposes that the legislation be referred for report by 27 November, the Senate would be complicit in seeking to turn this place in effect into a sausage factory. This is a serious and significant package of legislation which does deserve appropriate scrutiny. What is proposed here is that the committee to which this legislation is referred would basically have less than a week to consider the bills and to report. That is not satisfactory. That is not adequate for legislation of this significance.

So the coalition, quite reasonably, is asking the Senate to amend the motion to substitute a reporting date of 6 February 2013. The reality is it is highly unlikely that this legislation will be passed in the remaining sitting week. If it is likely to be passed, then one can only conclude that my prediction earlier today, that the government will resort to the gag and the guillotine, will come to pass. I think what this desire to have the committee report by 27 November indicates is that this government is lining up to ram legislation through this parliament in the final sitting week. It is lining bills up, getting ready to gag, gag, gag and guillotine, guillotine, guillotine. That is what this government has in mind. For its part, the opposition wants to make sure that legislation receives appropriate scrutiny. I do not think it is at all unreasonable that this legislation be given until the first sitting week of the Senate in February next year to consider this package of measures.

I do note that the government have moved their own amendment to seek to refer this legislation to the Community Affairs Legislation Committee. We think that the Finance and Public Administration Legislation Committee is the appropriate committee, particularly in light of the fact that the Department of the Prime Minister and Cabinet, which falls within the ambit of that committee, now has prime policy responsibility for the not-for-profit sector. Certainly clubs and those institutions that this will affect fall under that remit.

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I commend to the Senate the amendment to seek to substitute 6 February 2013 as the reporting date.

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:45): The government will not be supporting the opposition’s amendment to the motion. The Community Affairs Legislation Committee is the relevant and appropriate committee to deal with these matters.

This parliament has the opportunity to pass Australia’s first national legislation to tackle problem gambling and we should not contemplate further delay. The changes in this legislation will help problem gamblers
and those at risk of developing gambling problems to take control of their addiction. We need to pass this legislation this year to ensure that the time frames for implementing these changes can be met and to provide certainty for industry to move forward.

The first requirements in the legislation will come into effect next year. Passing the legislation this year gives us the time we need to develop regulations in consultation with industry and states and territories—something they have been calling for strongly through the committee process. These changes were announced back in January this year and an exposure draft of the legislation has been available publicly since February. We have consulted extensively with the clubs sector, casinos, hotels, manufacturers, the community sector, and state and territory governments through workshops, forums and written submissions. We have since made amendments to respond to the issues raised by stakeholders and to improve the workability of the legislation. These changes, importantly, have also been the subject of two inquiries by the Joint Select Committee on Gambling Reform. This is why that committee was established. One of those inquiries focused on precommitment schemes specifically and one is currently underway on the legislation itself.

Now the bills have been referred to another inquiry. Perhaps this is about the opposition trying to stall, defer and delay so that they do not have to put their vote on the record on this important issue. There is no case for further delay. The opposition's amendment should not be supported.

Senator XENOPHON (South Australia) (15:47): I just want to give some context to this matter as a member of the Joint Select Committee on Gambling Reform from its inception. Andrew Wilkie MP, the member for Denison, was in my office on the day that he negotiated with the Gillard government to have a package of measures on gambling law reform. I correct Senator Fifield not to admonish him but just to set the historical record straight. What Andrew Wilkie wanted was $1 bets and $120 maximum hourly losses, as recommended by the Productivity Commission in its key report, which came out on 23 June 2010—and I think there were a number of other events on that day that preoccupied the nation. That was Mr Willkie's first choice. The government did not budge; it would not make that concession on that reform.

The fallback position was to implement a scheme of mandatory precommitment by May 2014, and of course with various transitional arrangements. That was always the second-best option; let's make that clear. But the Productivity Commission made it clear that having mandatory precommitment could make a real difference to the people that are hurt by poker machine gambling in this country, with 40 per cent of poker machine losses—a $12 billion loss—coming from problem gamblers, nearly $5 billion. There are 95,000 people losing $21,000 a year on average and another quarter of a million people who are already showing the signs of full-blown addiction.

This legislation in its current form, as a result of the government's backflip on the legislation, is an incredibly watered down version of what was being proposed. But it is fair to say, as Senator Collins, the Manager of Government Business in the Senate, has pointed out, that there have been two inquiries in relation to this legislation. Those inquiries have been comprehensive. Those inquiries have looked at the provisions of this legislation. Those inquiries have included members of the coalition. So I really question the utility of having it go to another committee in these circumstances.
I have grave reservations about this package of legislation but it is important to understand that it would be unfair to say there has been no due process to look at it. Therefore I have difficulty in accepting the opposition’s position. In the circumstances, on this occasion I support the government’s position because there already has been a process for inquiry and report into these bills.

**Senator Ryan (Victoria) (15:50):** I rise to speak on Senator Fifield’s amendment for a couple of reasons, one of which is that I am chair of the Senate Finance and Public Administration Legislation Committee. There has been a disturbing pattern under this government when it has cut a deal in private, whether it has lived up to the commitment or not, whether it be on the carbon tax or on gambling. We hand-pick an inquiry, we release exposure drafts and papers. We do not know what amendments are going to come in next week, Senator Xenophon. I venture to say that, if it is anything like the last time we had rolling guillotines, there will be pages and pages that are never debated in this chamber. This government likes to have its hand-picked inquiries. It says we have had these inquiries into this legislation before. But the important point with this legislation, just like in the other instances, is that I have no doubt that when this comes in as part of the rolling guillotine next week, there will be rafts of amendments tabled that will never receive the scrutiny of this chamber.

For all the importance of having joint committees work on something, this is an independent chamber. This is an independent chamber with its own standing committee system that is meant to look at legislation as it comes across from the House of Representatives. This government is constantly undermining the independence of this chamber through sham inquiries like this one.

Senator Collins, if the government believes seriously that the legislation has been inquired into enough, be honest and say that there will not be an inquiry. There will not be an inquiry into the provisions of these bills in the next seven days—it is simply not possible. There is only one non-sitting day left this year. No reasonable stakeholder has the capacity to make a considered submission and no airing of the issues that might lead to amendments is going to be undertaken by a standing committee of this place, yet the government will not be honest about the fact that the inquiry is nothing but a sham.

I have no doubt that next week there will be a series of rolling gags and guillotines. Such is the form of this chamber under the Labor-Greens duopoly which runs it. The problem is that we are dealing with complex legislation. Previously in this chamber, some bills that I was responsible for carrying and amendments to those bills never received a word of debate in this chamber—not one word. It stands as an indictment of this chamber and, indeed, of all of us that those bills were not subject to any scrutiny. I remember the howls from the south-western corner of this chamber that we needed to have genuine scrutiny and that we could not have the gag and the guillotine, but, with the Greens and their Labor allies running the chamber, the only debate that happens is the debate between the two of them about what the gag and the guillotine will eventually be about.

This legislation is deserving of scrutiny by the Senate and I doubt that anyone from the government will say that they will not be bringing in last-minute amendments or that everyone in the Senate who wishes to debate them will be given an opportunity to do so.
This motion moved by Senator Collins, if it gets up without Senator Fifield’s amendment, will facilitate the use of the gag and the guillotine and therefore the passage of legislation without debate in this place. It is unlikely that many people will get to speak. There may be a short period of speaking—there may be a government speaker and an opposition speaker and then perhaps Senator Xenophon, with his interest in the bills, will speak—but the members of the Senate in general will not be given a chance to debate the legislation. Senator Fifield’s amendment is important because it allows the Senate to demonstrate its independence from the government of the day—its independence from the Labor-Green Alliance; its capacity to hear from stakeholders in order that they might potentially inform amendments which may be moved from any part of this chamber, including the raft of amendments which will likely be tabled by the government; and its ability to facilitate consideration of legislation at an appropriate time.

The government and the Greens, by supporting a seven-day timeline, have lost any credibility whatsoever on the question of whether they allow a deliberative process in this chamber. They are running this chamber in the way that they wish they could run the House of Representatives. Every Australian should take note that, while Labor and the Greens are in office, there will not be an opportunity for voices to be heard—there will not be an opportunity for stakeholders to present to a committee and there will not be an opportunity for debate in the chamber. I note that no-one from the government is jumping to their feet or interjecting to say that there will not be a gag on or a guillotining of this legislation next week.

Senator Fifield’s amendment should be supported. The legislation should come to the Senate Standing Committees on Finance and Public Administration, as the government originally intended, on the basis that it is the committee which handles legislation from the Department of the Prime Minister and Cabinet. The bleating of this government and the Greens about independence cannot be taken seriously.

The President: The question is that the amendment moved by Senator Fifield be agreed to.

The Senate divided. [16:00]
(The President—Senator Hogg)

Ayes .......................30
Noes .......................38
Majority ..................8

AYES

Back, CJ
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Macdonald, ID
McKenzie, B
Parry, S
Ruston, A
Scullion, NG
Smith, D

Bernardi, C
Boswell, RLD
Brands, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Mason, B
Nash, F
Payne, MA
Ryan, SM
Sinodinos, A
Williams, JR (teller)

NOES

Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U

Bishop, TM
Cameron, DN
Collins, JMA
Crossin, P
Farrell, D
Feneley, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Madigan, JJ
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
The question is that the motion moved by Senator Brown be agreed to.

The Senate divided [16:03]
(The President—Senator Hogg)

Ayes.....................38
Noes.....................30
Majority................8

AYES
Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Wright, PL

NOES
Thistlethwaite, M
Waters, LJ
Wright, PL

Thorp, LE
Whish-Wilson, PS
Xenophon, N

PAIRS
Thistlethwaite, M
Waters, LJ
Wright, PL

PAIRS

Question negatived.

The PRESIDENT (16:03): The question is that the motion moved by Senator Brown be agreed to.

The Senate divided [16:03]
(The President—Senator Hogg)

Ayes.....................38
Noes.....................30
Majority................8

AYES
Bilyk, CL
Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Wright, PL

NOES
Thistlethwaite, M
Waters, LJ
Wright, PL

Thorp, LE
Whish-Wilson, PS
Xenophon, N

PAIRS

Question agreed to.

Gambling Reform Committee

Meeting

Senator XENOPHON (South Australia) (16:05): by leave—I move:

That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 21 November 2012, from noon.

Question agreed to.

BUSINESS

Leave of Absence

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:06): by leave—on behalf of Senator Kroger, I move:

That leave of absence be granted to Senator Abetz for today, 20 November, for personal reasons; and leave of absence be granted to Senator Fawcett for 21 and 22 November for parliamentary reasons.

Question agreed to.
NOTICES
Postponement
The following item of business was postponed:
General business notice of motion no. 1030 standing in the name of Senator Wright for today, relating to a proposed seismic survey, postponed till 21 November 2012.

COMMITTEES
Environment and Communications References Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (16:07): At the request of Senator Birmingham, I move:
That the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Wednesday, 21 November 2012, from 3 pm, and on Thursday, 22 November 2012, from 1.05 pm.
Question agreed to.

Economics Legislation Committee
Reporting Date
Senator McEWEN (South Australia—Government Whip in the Senate) (16:07): At the request of Senator Bishop, I move:
That the time for the presentation of the report of the Economics Legislation Committee on the Minerals Resource Rent Tax Amendment (Protecting Revenue) Bill 2012 be extended to 21 March 2013.
Question agreed to.

Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (16:07): At the request of Senator Bishop, I move:
That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 26 November 2012, from 6.30 pm, to further examine the 2012-13 supplementary budget estimates.
Question agreed to.

Environment and Communications Legislation Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (16:07): At the request of Senator Cameron, I move:
That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 22 November 2012, from 1 pm.
Question agreed to.

Legal and Constitutional Affairs Legislation Committee
Reporting Date
Senator McEWEN (South Australia—Government Whip in the Senate) (16:07): At the request of Senator Crossin, I move:
That the time for the presentation of reports of the Legal and Constitutional Affairs Legislation Committee be extended as follows:
(a) Migration Amendment (Health Care for Asylum Seekers) Bill 2012—to 7 December 2012;
(b) provisions of the Migration Amendment (Unauthorised Maritime Arrivals and Other Measures) Bill 2012—to 25 February 2013;
(c) provisions of the Courts and Tribunals Legislation Amendment (Administration) Bill 2012—to 25 February 2013; and
Question agreed to.
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 aviation accident investigation be extended to 27 February 2013.

Question agreed to.

At the request of Senator Marshall, I move:

That the Education, Employment and Workplace Relations Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 21 November 2012, from 4 pm, to take evidence for the committee's inquiry into the provisions of the Fair Work Amendment Bill 2012.

Question agreed to.

At the request of Senator Sterle, I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2) be extended to 21 March 2013.

Question agreed to.

At the request of Senator Xenophon, I move:

That the time for the presentation of the report of the Joint Select Committee on Gambling Reform on the Anti-Money Laundering Amendment (Gaming Machine Venues) Bill 2012 be extended to 28 March 2013.

Question agreed to.

I move the following motion standing in the names of Senators Moore, Boyce, Rhiannon and Cash:

That the Senate—

(a) notes that:

(i) 2.5 billion people currently live without access to sanitation, half of these people are women who have nowhere safe to go to the toilet,

(ii) women lacking access to safe toilets are at risk of verbal, physical and sexual violence,

(iii) women are significantly and disproportionately impacted by lack of access to sanitation,

(iv) women in sub-Saharan Africa spend 19 billion hours a year finding a place to go to the toilet,
access to sanitation is a foundation for good health, and women and girls who have no toilet face the additional risks posed by infectious diseases, malnutrition due to repeated diarrhoea and reproductive infections due to poor menstrual hygiene management,

(vi) girls at school require access to a toilet with suitable facilities and privacy for menstrual hygiene management, and without this access, evidence shows that the attendance of girls at school significantly drops impacting upon girls' educational opportunities,

(vii) women's economic opportunities can be significantly reduced as a result of poor access to a toilet as their time and health are impacted, and

(viii) the Australian Government supports the recent Rio+20 outcomes document 'The Future We Want' and its commitments regarding the human right to safe drinking water and sanitation; and

(b) acknowledges Australia's support for the right to water and sanitation.

Question agreed to.

BILLS

Migration Amendment (Special Protection Scheme for Afghan Coalition Employees) Bill 2012

First Reading

Senator HANSON-YOUNG (South Australia) (16:08): I move:

That the following bill be introduced: A Bill for an Act to amend the Migration Act 1958, and for related purposes.

Question agreed to.

Senator HANSON-YOUNG: 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 HANSON-YOUNG (South Australia) (16:09): I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

This bill sets up a special protection scheme for Afghan employees of Coalition forces, particularly interpreters and translators, and their families to permanently resettle in Australia if their engagement with foreign forces puts them at risk of persecution. The bill responds to the fact that Afghan interpreters and other employees regularly risk their lives to help Australian personnel who are part of the International Security Assistance Force (Coalition hereafter). The important work of Australian men and women in uniform, and the critical work of organisations subcontracted to Australian government and defence agencies, would be even more perilous if it were not for the dedicated Afghans who work alongside them every day.

These brave men and women face an increased risk of persecution at the hands of the Taliban simply because they have worked to help the international Coalition. As we prepare to draw our forces from Afghanistan, the least we can do is offer protection to those people who have given so much to help our rebuild and stabilize Afghanistan.

This new class of protection visa will provide a safe and accessible pathway for Afghan people who need protection and who currently have limited options to safely apply for protection from Afghanistan.

The bill recognises the special responsibility we owe to persons who work for our forces in Afghanistan, and the fact that family reunion pathways for refugees who are already in Australia are very limited due to great demand. I am aware of a number of cases in which Afghan
employees or their families who are stranded in Afghanistan end up journeying by boat to Australia to seek protection, compelled by necessity and desperation to take a path fraught with danger. This bill offers those people, and their families, a safer and better option.

This bill sets up 600 places per annum which would be additional to the current humanitarian program. Eligible persons are those who have worked for at least one year in Afghanistan as interpreters or other specialists, and who were employed by Australian or Coalition troops, the Australian embassy, or organisations supporting the Australian government or Australian defence agencies. Applicants for this visa would also have to meet the protection criteria under the Refugee Convention 1951.

There is Australian precedent for this proposal such as the scheme set up by the Labor government in 2008, which provided 600 humanitarian places for Iraqi employees and their families. Under that scheme 557 Iraqis employees were safely resettled in Australia.

The United States and Canada already have similar systems in place to help bring Afghan interpreters to their countries. Over 800 Afghans settled in Canada thanks to a special program created by the Canadian government. In recent weeks the New Zealand defence minister announced a package of resettlement to New Zealand for Afghan translators of at least 30 interpreters and their families.

Immigration and Afghanistan experts are advising that the flow of refugees out of Afghanistan is likely to increase in years to come, and many will be those who have come to the dangerous attention of the Taliban on the basis of their connection with foreign forces. It is time for Australia to do its fair share.

Australia's actions in offering this special protection scheme will have an effect on the willingness of people to work with our forces in future conflicts. Not only is it the right thing to do but, if we reward the people who help us now, it will work in our favour in the future. If we draw down from Afghanistan and leave these vulnerable people exposed to being targeted by the Taliban, it will reflect very poorly on Australia and damage our reputation in the international community.

A positive relationship between Australia and Afghanistan is essential to maintaining a continued stabilisation in the region. Good will between our two countries only helps to strengthen the relationship between Afghan and Australian troops, which will become more and more important as greater autonomy is handed over to Afghan forces in the coming year.

I have taken action on this issue for many reasons, but I knew it was an imperative imitative when I met a young man in Melbourne. He was 15 when his father was murdered by the Taliban due to his father's work as an interpreter with the Coalition forces. The Taliban left a note on his father's body saying that the teenage son would be targeted next. The young man was bundled out of Afghanistan in a matter of days, forced to leave his mother and siblings behind, before coming to Australia by boat and spending months in immigration detention in Christmas Island.

He was found to be owed protection and he is now working hard at secondary school. He is top of his class in maths and IT and is planning to volunteer over the summer holidays to help other refugees who have come to Australia. He is putting himself through year 11 and year 12 without his family, who are still at great risk in Afghanistan and whose family reunion visas application has not progressed for two years.

This young person is a genuinely great Australian and will be an asset to this country when he fulfils is dream of becoming a civil engineer. He is an inspiring young man who is working very hard to improve his life, but he misses his family terribly. Many people would find it shocking to learn that there is no system in place to help the families of interpreters, who have given so much in support of our troops in Afghanistan.

This bill encapsulates the generosity, pragmatism and compassion of all Australians and their well-known appreciation of those who help our troops in Afghanistan.

I commend this bill to the Senate.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.
MOTIONS

University of Western Sydney

Senator RHIANNON (New South Wales) (16:10): I move:

That the Senate—

(a) notes that:

(i) the University of Western Sydney (UWS) has foreshadowed planned cuts to economics and community languages courses and academic staffing cuts across various schools,

(ii) UWS claims the cuts are in response to budgetary pressures due to lower than expected student enrolments following the uncapping of university places, however the university still carries a budget surplus and can expect a steady increase in enrolments over time,

(iii) in 2003 UWS allocated 62.5 per cent of student fees earned to teaching and learning, whereas in 2012 only 38.3 per cent of student fees earned went to teaching and learning, with a corresponding increase in administration expenditure,

(iv) teaching and learning is under resourced at UWS, with one of the highest staff to student ratios in Australia as well as one of the highest staff casualisation rates, and further staffing cuts will deny the students of Western Sydney a quality education, and

(v) UWS plans to close its student learning service that targets academic skills support to socially disadvantaged students and students who are the first in their family to attend university, which applies to a large number of students from Western Sydney; and

(b) calls on the Government to:

(i) urge UWS management to retain its current courses and academic staffing resources, and

(ii) immediately increase public funding by 10 per cent per government supported university student, as recommended by the Bradley review, to give budget certainty to universities.

The Senate divided. [16:14]

(The Deputy President—Senator Parry)

Ayes .......................10
Noes ......................36
Majority .................26

AYES

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

NOES

Back, CJ
Bilyk, CL
Brown, CL
Cash, MC
Collins, JMA
Crossin, P
Farrell, D
Feeney, D
Furner, ML
Humphries, G
Madigan, JJ
Mason, B
McKenzie, B
Moore, CM
Ruston, A
Scullion, NG
Smith, D
Thorp, LE
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

Question negatived.

MATTERS OF PUBLIC IMPORTANCE

Budget

The DEPUTY PRESIDENT (16:16): 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:


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

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

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (16:17): What a tale of woe Labor’s elusive search for a budget surplus has been! I think the story of Labor’s efforts to repair the budget is a good encapsulation of this government. It tells you everything you need to know about this government. There are really two things that you need to know about this government: a lack of competence and consistent breaches of faith with the Australian people. That is what the budget bottom line represents.

Mr Acting Deputy President, I would ask you to cast your mind back to the very first budget of Treasurer Swan, the 2008-09 budget. Treasurer Swan said—and I am fond of quoting Treasurer Swan’s 2008-09 budget speech—‘We are budgeting for a surplus of $21.7 billion in 2008-09.’ Let me just repeat that for you. Treasurer Swan said in his 2008-09 budget speech:

We are budgeting for a surplus of $21.7 billion in 2008-09, 1.8 per cent of GDP, the largest budget surplus as a share of GDP in nearly a decade.

This honours and exceeds the 1.5 per cent target we said in January, without relying on revenue windfalls.

What Treasurer Swan was basically saying in that budget speech was that Treasurer Costello, with his nine budget surpluses, and the Howard government were basically a pack of easy beats—that their budget surpluses were pathetic; that he was going to go better; that he was going to show us what real fiscal manhood looks like; that he—

Senator Jacinta Collins: So that is why all the men stood up in support—fiscal manhood!

Senator FIFIELD: He was going to show us what real fiscal management looks like. He was going to demonstrate exactly what that looks like.

Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Order!

Senator FIFIELD: He thought that a target of 1.5 per cent of GDP was really the measure of the individual as Treasurer. That is what he said. And here were we, a new opposition, thinking, ‘How pathetic were we!’ We did not know that you were not actually meant to work harder. In fact, Wayne Swan said it was actually pretty easy to get a bigger budget surplus than we had. So we thought that we would just have to sit back and learn from the master about how budgets really should be run.

I think all of Australia learnt as a result of the 2008-09 budget that what is in the budget speech and the budget papers when referencing a surplus—or a deficit, for that matter—is not actually an outcome; it is a forecast. The Australian people got into the habit of assuming that a forecast in the budget was as good as gold, because when the Howard-Costello government was in office those forecasts were met and often exceeded in terms of the size of the budget surplus. So Australians had got into the habit of being able to rely on the figures in the budget speech on budget night. The Australian people have learnt—

Government senators interjecting—

The ACTING DEPUTY PRESIDENT: Order! Senator Fifield is entitled to be heard in silence.
Senator FIFIELD: Thank you, Mr Acting Deputy President. Australians have learnt through Swan budget after Swan budget after Swan budget that you cannot believe what Wayne Swan says on budget night. We hear from the government time and time again that they have been exceedingly unlucky. You used to refer to someone who was lucky as 'having a Kylie'—as in Kylie Minogue and her song, 'Lucky, lucky, lucky; I should be so lucky'. With these guys it is kind of like a reverse Kylie experience that these people have had. They have just been so, so unlucky.

Firstly it was the GFC—and, yes, we recognise that the GFC was a challenge—and then it was the European financial crisis that was the challenge. We were meant to think—and the Australian people were meant to think—that just because there were external challenges there would be a crisis of confidence in the domestic economy and revenue write-downs in the budget and therefore it would be nigh on impossible for a government to achieve budget balance. That is the scenario which has been presented to us year after year by this government. If that were the case, when the Asian financial crisis took place during the period of the Howard-Costello government, there would have been a crisis of confidence—business confidence, consumer confidence and investor confidence—in Australia at that time. Revenues would have plummeted and the budget would have gone into deep, dark deficit and continued in deep, dark deficit for years to come. That is what you would have expected to happen if you followed the government's logic. And you would have expected it to happen then even more so, because we are much more enmeshed with our region, Asia, than we are with Europe or with the United States—which was the genesis of the global financial crisis. So whatever happened to us as a result of the GFC and the European debt crisis, you expect that it would have been many times worse during the Asian financial crisis. But it was not, and there are a couple of reasons for that.

The first reason is that the Australian people had confidence that Treasurer Costello would make the right calls. I think that is something we have underestimated: the extent to which confidence is underpinned by a government that looks like it knows what it is doing. With Wayne Swan, people quite rightly think, 'He's bound to get it wrong.' With Peter Costello, people thought, 'I'm not sure what the right answer is, but I have confidence that he'll know what to do; therefore I will just get back to running my business.' That was the mindset at the time and that is one of the reasons why Australia continued to perform well and the budget held up during the Asian financial crisis: people had confidence that Peter Costello knew what he was doing. The other reason why the budget bottom line held up well during the Asian financial crisis was because we did not embark upon reckless and irresponsible, massive fiscal stimulus. We did not do that. We relied on the Reserve Bank to adjust interest rates as required. We left room for monetary policy to do its job. We demonstrated that when you have an external shock to the economy it does not automatically follow that your revenues are going to plummet, confidence is going to plummet and the budget is going to go into deficit. Those are two very contrasting approaches to very contrasting outcomes.

This has been an incredibly unlucky government. I think you have got to reject the thesis that the current government are the hapless victims of global circumstance. They stumble around, things happen beyond their control, and they have always got an excuse for not being able to meet their budget...
forecasts and targets. That is why I say that the budget bottom line really does encapsulate two great truths about this government: their lack of competence and the breach of faith that they continually have with the Australian people. I say 'breach of faith' because Wayne Swan promised and predicted, in budget speech after budget speech, that the budget would whirr back into surplus. But it has been a diminishing surplus. In the 2011-12 budget, the surplus forecast for 2012-13 was $3.5 billion. That was revised down in the 2012-13 budget to $1.5 billion. As we know, it was revised down again in the MYEFO this year to $1.1 billion. The government will tell you that the overwhelming reason why the budget has been in deficit and there has been debt is because of revenue write-downs. I have to make this point: revenues are not falling. Revenues are continuing to grow. What is happening is that revenues are not growing as fast as forecast. But be in no doubt: revenues are still growing but expenditure is growing more. That is why the budget has been in deficit each and every year of this government. It has not been because of revenue write-downs. It has been because of spending decisions by this government, and the government's own budget papers will tell this story. The way to get the budget back into balance is not to hope, it is not to pray, it is not to promise. It is to actually manage responsibly, it is to live within your means, it is to stop the reckless spending. If the government do that, then they will be able to meet their commitment and they will go better. They will actually be providing opportunities for Australians. (Time expired)

Senator BILYK (Tasmania) (16:27): I rise today to speak on the matter of public importance put forward by the opposition. I would like to start by thanking the opposition for bringing this matter to attention of the Senate today. Why do I say that? I say that because I always find the attempts by the opposition to rewrite history entertaining. We just heard from Senator Fifield not a mention of global financial crisis, just a rewriting of history, airbrushing it out—

Senator Fifield: Mr Acting Deputy President, I rise on a point of order. Senator Bilyk is coming perilously close to misleading the Senate. I spent quite a bit of time in the debate talking about the global financial crisis.

The ACTING DEPUTY PRESIDENT (Senator Ludlam): Senator Fifield, that is not a point of order.

Senator BILYK: As I was saying, I find the attempts by the opposition at rewriting history and crystal ball gazing into the future always to be entertaining. We can always count on them to be entertaining.

The recent mid-year review shows that the Gillard government is on track to return the budget to surplus and it shows that the fundamentals of the Australian economy are strong despite global turmoil. We have just delivered a Mid-Year Economic and Fiscal Outlook with billions of dollars in savings to return the budget to surplus, and we are on track to deliver it. Unlike the doom merchants on the other side of the chamber who constantly talk down the Australian economy, we should all take pride in what the country has achieved in the face of very challenging global financial conditions and structural change here at home. We have completed a remarkable 21 years of economic growth—a stunning achievement unmatched by any other advanced economy to date. We have got an enviable combination of solid growth, low unemployment, contained inflation, strong public finances, solid consumption and an investment outlook that is still strong. At 3.25 per cent, we have got lower official interest rates than at any time during the last
coalition government. That is helping millions of families and small businesses. And while we have only the 51st largest population, Australia has overtaken Spain to be the 12th largest economy in the world, after overtaking Mexico and South Korea since the government came to office.

The Australian economy is the envy of the developed world. The exaggeration and spin of the opposition should be tempered by these hard facts. This government is committed to strong economic discipline. Our strict fiscal discipline has already helped give the RBA room to deliver the equivalent of six interest rate cuts over the last year. Australians will not ever forget that interest rates went up 10 times under the last Liberal government because inflation was not contained. Because of these interest rate cuts, Australians on a $300,000 mortgage are now paying around $4,500 less interest per year than they were when the Howard government left office. This is obviously a significant saving to the family budget.

The opposition distrust the numbers in MYEFO. Of course they do because the opposition only trust numbers that confirm their pre-conceived bias, or that they have made up themselves. These numbers were produced by Treasury—the same Treasury that produced the forecasts for the entire period of the Howard government and the same Treasury that forecast the effects of the GST when those opposite introduced it. On this side of the chamber, we have full confidence in Treasury's forecasts, which are broadly consistent with many major forecasters, including many private sector economists.

It is really disappointing that the opposition wish to impugn the abilities of an organisation of highly skilled individuals who work solely for the public benefit. But, what would we expect? In fact, many economists in the private sector have explicitly made the point that the growth outlook contained in MYEFO is reasonable and in line with their own forecasts. Westpac's Chief Economist Bill Evans said on 22 October:

They've cut their growth forecasts by a quarter of a per cent. That's now in line with our own forecast and we of course support that view.

UBS Chief Economist Scott Haslem also stated on 22 October:

The government's growth forecasts seem reasonable.

Finally, HSBC Chief Economist Paul Bloxham also stated:

I think these numbers look fairly sensible in the scheme of things.

The government has been upfront about the weaker global outlook, which has weighed more heavily on parts of our economy, including some resource projects. This has contributed to a downgrade of our GDP forecast for 2012-13, although, like many major forecasters, we are still expecting growth around trend. Like most private sector forecasters, we have significantly downgraded our terms of trade forecast for 2012-13, given the unexpected sharp decline in non-rural commodity prices that occurred recently.

The fact is we are still expecting growth around trend, low unemployment and contained inflation—an enviable combination that continues to put the Australian economy in a league of its own. Australia holds a AAA credit rating with a stable outlook from all three rating agencies, one of only seven countries that does so. This is a feat that was never achieved under the coalition.

The Australian economy is fundamentally strong. Mining capital expenditure is expected to increase by a staggering 45 per cent in 2012-13, following growth of 75 per
cent in 2011-12. This is underpinned by a substantial pipeline of investment, with $260 billion at an advanced stage, so it is largely locked in. New business investment is expected to reach 50-year record highs at the end of the forecast period, supported by a still strong outlook for resource investment. As the investment phase passes its peak, this should coincide with a ramp up in the production phase, so the resources sector will still be making a positive contribution to growth overall. We expect non-rural commodity export volumes to grow by 15 per cent over the forecast period alone. We also expect that lower interest rates and rising incomes will support modest growth in dwelling investment and non-mining investment towards the end of the forecast period. We have a proven track record of putting in place the fiscal settings appropriate for the economy and for jobs.

In the face of the worst global recession in 80 years, we stepped in to support the economy and jobs. This government did that. This ensured that we avoided recession and avoided having hundreds of thousands of Australian jobs hit the wall. The Australian people will never forget that those opposite came into this place and voted against Australian jobs and the economy. They will not forget that. As we stepped in to support our economy, we put in place the strict fiscal rules that have us returning to surplus faster than every major advanced economy. We have put in place over $150 billion in savings to ensure our budget is on track to return to surplus.

It is cute that those opposite talk about surplus but then fail to come into this place and support the savings to return us to surplus. They puff out their chests and rage over a so-called ‘age of entitlement’ but then fail to come into this place and to support the savings that make our budget sustainable. It is no wonder that those opposite have a $70 billion crater in their budget bottom line, as announced by Mr Joe Hockey.

It is disappointing to be lectured about a surplus by those opposite when their shadow Treasurer does not appear to understand MYEFO. For example, Mr Hockey claimed the Murray-Darling Basin plan was not in MYEFO. Mr Hockey said: ‘Well, the Prime Minister announced $1.7 billion for the Murray-Darling Basin. Not a single dollar of that was contained in a statement just made a few days earlier.’ But, as the Prime Minister and Minister Burke had previously announced, it was in MYEFO. Mr Hockey also claimed that our economy was ‘flatlining’, saying: ‘In a week when the budget has collapsed, the mining tax has collapsed and the economy is flatlining, I just don't think these are the most significant issues.’

In fact, Australia’s economy has been growing for 21 consecutive years, as I said previously, and the most recent figures show us growing at 3.7 per cent through the year. On top of this, the International Monetary Fund forecasts Australia will be the fastest growing advanced economy this year and next. Another thing Mr Hockey claimed was that there was no lost revenue. He said Wayne Swan kept talking about lost revenue when there was no lost revenue. This is despite undisputed evidence that the global financial crisis wiped $160 billion from government revenue.

It is disappointing that the opposition continues to seek to talk down the Australian economy. It is disappointing that they cry crocodile tears about a surplus, yet will not commit to savings measures. I also find it disappointing that they come into this place and question the competence of an organisation—that being Treasury—whose expertise they relied upon without question while in government. Finally, it is really
disappointing the hypocrisy those opposite show when their shadow Treasurer and their economic team do not understand the MYEFO, do not understand the budget and do not understand the $70 billion black hole that their own shadow Treasurer admits they have.

Senator SIEWERT (Western Australia—Australian Greens Whip) (16:37): Here we are, talking about an extremely slim budget surplus, a budget surplus that is being delivered at the expense of some of the most disadvantaged in our community. An issue that I was addressing earlier this afternoon in this place is the cuts to single parents’ incomes by moving single parents from single parent payment to Newstart, a so-called saving of around $700 million—at the expense of the most vulnerable in our community: single parents who are trying to raise our next generation. Between 100,000 and 150,000 single parents and their children are being moved onto Newstart, thereby dropping their incomes by a significant amount of money. In fact, the government has not even modelled the impact on some of those single parents. I was talking about that earlier this afternoon.

In answer to my question earlier this afternoon, the minister said he was unaware of any modelling that has been undertaken, for example, on the 10,000 single parents who look as if they will lose all their income support, their access to a concession card and their access to rent assistance. The government actually has no idea what impact that is going to have on single parents in terms of an actual dollar value. We do know that it will lower their incomes. We do know that the incomes of those single parents will drop and they are already struggling and many of them are already living in poverty. We do know that their income is going to drop. My question then is: what impact does that have on the government's budget line? How does it look in this country, when the government claims it made a surplus, yet the most vulnerable in our community are living in poverty?

You just have to look at the Australian Council of Social Service poverty report that they put out at the beginning of Anti-Poverty Week in October. It shows that there is a growing body of evidence about the extent to which people in Australia are facing multiple deprivations, such as the inability to heat their homes or to afford school things. Thirty five per cent of people on social security payments are unable to raise $200 in an emergency. Alarmingly, more than half of the households with Newstart as the main source of income are living in poverty, as are one-quarter of the people in sole parent families. The ACOSS poverty report demonstrated that 48 per cent of these households have experienced three or more financial stresses like these in the last year.

I also launched Anglicare's report, When there's not enough to eat, in Anti-Poverty Week in October. It demonstrated what many other emergency relief services are reporting—that is, that a significant proportion of the people accessing their services are single parents. Anglicare also found that 45,000 of the households using their emergency relief services were unable to feed their families properly. In other words, families are going hungry. Those most vulnerable in our country are going hungry, yet the government think that they can manage a surplus by dropping these people further into and condemning them and their families to poverty. How can we say in this country that we have adequate support for these people when they are living in poverty? If you are living on Newstart, you are living on more than $130 below the poverty line.
How can we say we have a surplus? How can we say we are a caring society when we are condemning not only the current generation but future generations to poverty, intergenerational poverty and the poverty cycle? It is time that we made sure that we looked at our economy and our budget surplus in terms of needing to address the most basic human needs and ensuring that we are caring for the most vulnerable in our community. We need to ensure that our economy is planning for and able to provide a secure future for all of our community, and we need to also make sure that we are protecting our natural world, which is absolutely vital to sustain us. We need to be addressing issues around poverty, food and security, and barriers to employment for our most vulnerable Australians, instead of taking the simplistic approach of saying, 'Well, single parents, we'll drop you onto Newstart and that will encourage you into work.' This forgets about or ignores the fact that 45 per cent of single parents are in fact already working. Single parents have the highest work participation rate of all of the groups on income support. In other words, the policy justification just does not exist. It is about trying to save $700 million that can go to the $1.5 billion so-called surplus. But I do not even think that the government actually have their figures right. For a start, just last week, they downgraded the estimate from 17,000 to 10,000 single parent families that are going to be without income support. The government could not tell us what impact that will have on those families and my question is: if you have done the budget calculations based on successfully managing to get 17,000 people off income support by dropping them further into poverty, what does that do to the bottom line?

The other issue that I started canvassing earlier is that for those 10,000 families who are supposedly being encouraged into work—although by definition those 10,000 families that are not going to get any income support are already working families, already working single parents—there is in fact a perverse incentive happening. They are going to have a drop in their income by working. The natural conclusion there is that, if I am dropping my income by working, maybe I am better off reducing my working hours so that I can still maintain some link to the income support system and get access to concessions and rent assistance. So the very policy objective is null and void. Not only that, but by going onto income support I am then going back into the system and I am costing the government money. In other words, the surplus calculations are reduced. Not only have they mucked up their sums; their policy is actually counterproductive. The rhetoric you hear from the government is any job is a good job and that children need to be growing up in families that have jobs. Yet, here are these children who will see their parents forced into reducing their working hours because of a stupid government policy. It is counterproductive, all based on the fact that we are trying to get the most marginal surplus off the backs of the most vulnerable families in Australia. Those people are going to be forced into accessing emergency relief.

The minister could not answer a question about this when I asked him in the chamber today. In a media comment previously, the Minister for Employment and Workplace Relations, Minister Shorten, said that when families drop onto Newstart on 1 January, one of the hardest, most expensive periods of the year for families—Christmas time, school holiday time and going back to school time—they will be able to access the one-off crisis payment. Not only is it very difficult to access that; these people are facing a crisis situation. The government...
could not tell me how they have budgeted to make sure that that money is available. I wonder if that was calculated into the budget bottom line. I wonder if that was calculated into the razor thin surplus that the government has. These families are going to need support somehow, other than that they are going to emergency relief centres.

Earlier in the year when I asked whether the government was going to make extra funding available to emergency relief, they said no. What will happen to these emergency relief services that already have to turn people away, that are already supporting many people on Newstart and supporting single parents who have been already been dumped onto Newstart under the welfare to work regime? How do we support these people? How can we say that we have a caring society and that we have a surplus when it is off the backs of the most vulnerable in this country? People are living in poverty and we are condemning the m to intergenerational poverty. We are condemning them to the poverty cycle unless we re-evaluate the way that we see the economy supporting our community and start putting people first, and not seeing the economy as an end in itself. (Time expired)

Senator MASON (Queensland) (16:47): Some people do ask, such as Senator Siewert, why it is so important to have a budget surplus. Why not just spend? Let me explain very briefly why a surplus is important. After World War II, Social Democratic parties in Western countries came up with a pea and thimble trick, and it was this: the state could offer more to its citizens than those citizens would ever pay in tax. That was the Social Democratic compact—principally in western Europe and more recently in the United States of America. Largely, of course, those countries got away with it. They got away with it for two reasons. Firstly, after World War II, the West had an enormous technological, manufacturing, industrial and educational advantage—far ahead of the rest of the world by a mile. Secondly, our population was young and it was growing, and it was buttressed by immigration in the United States, Canada, New Zealand and Australia. So we had both the economy on our side and demography on our side. After World War II, there were far more citizens paying tax than citizens receiving state support. The system more or less worked.

Fast forward to 2012. Where are we right now? Firstly, we no longer enjoy a huge technological, industrial and educational advantage. The rest of the world has caught up with the West. The rest has caught the West, especially China, India and East Asia. It has happened well within my lifetime. Within the last 30 years, we have seen the greatest economic transformation in human history, where billions of people have come out of poverty and into relative comfort. Secondly, our population is now ageing. We no longer enjoy a healthy ratio between those paying tax and those receiving benefits. That healthy ratio has evaporated. Our economic comparative advantage and our demographic advantage no longer apply.

In the Western world, too many people now work for the government, receive benefits from the government or are organised rent-seekers for government assistance. That is where the Western world is in 2012. Where are we today? Today the West is drowning in debt and it is getting worse. I accept the National Disability Insurance Scheme is a great idea, at about $10½ billion a year; the national dental scheme is a great idea, at about $4 billion over six years; the Gonski funding proposals for schools are a great idea too, at about $6½ billion per year—let alone the dodgy accounting that allows the NBN to be put off budget. All of them are great ideas—I do not
dispute that. Let me ask this question, Acting Deputy President Ludlam, and you know the question I am going to ask: who will end up paying for it? I will tell you who is going to pay for it: our children and our grandchildren, as they are paying for similar schemes in western Europe and the United States, and it will not change.

The great British historian Professor Niall Ferguson, wrote recently in his Reith Lectures and said:

The heart of the matter is the way public debt allows the current generation of voters to live at the expense of those as yet too young to vote or as yet unborn.

Yes, we are living at the expense of our children and our grandchildren. That is a fact.

The Labor Party and the Greens always like to talk about social justice, equity and fairness. Let me ask this: is it fair, is it just, is it appropriate to dump IOUs from our generation onto our children’s and our grandchildren's generations because we are unable to live within our means? Is that fair? Is that social justice? I think not.

This is a Left mantra. It has been in Western Europe since World War II and in the United States from the 1960s. It is a disgraceful breach of the social contract between one generation and the next; between our generation and our children's and our grandchildren's generation because we are unable to live within our means? Is that fair? Is that social justice? I think not.

If this lot is re-elected, sure they have great schemes—Gonski, NDIS, the dental scheme and others—but who will pay for them? We all know who will pay for them in the end: it will be our kids and our grandkids, and we will mortgage their future. That is what we in the opposition are all petrified about. To paraphrase the great British Prime Minister Margaret Thatcher, the problem with Labor is that sooner or later they run out of other people's money. That has been the problem since 1904 and the first Labor Prime Minister, and nothing has changed—no lessons are ever learned. Why don't they get that every generation has to pay for itself? Is it not a good principle of social justice and equity that, largely, more or less, within an arc, every generation pays for itself? That is all I am asking: that generations do that.

In the end, no-one in the Labor Party ever wants to pay the piper. They would rather spend our children's future and our grandchildren's inheritance. Governments, communities and societies are not just about eligible voters; they are about those kids who were watching us before, their children and those to come after. That is what this is about. It is about their future.

That is why we have to ensure that Labor balances its budget. We know that since Federation every time Labor leaves government we are further in debt as a nation. That has been, as I have said so often in this chamber, the Labor Party's story since their first Prime Minister, John Christian Watson, in 1904. That is why we do not trust this mob; they have had the same form for more than a century. It is always the same story: in peace and in war, in good times and bad times, it does not matter. Australia is always further in debt when this lot leaves government. There has never been an exception. That is why we in the opposition are worried as hell.

Senator FAULKNER (New South Wales) (16:55): I certainly do not hope that what Senator Mason has just suggested occurs, and I would be very surprised if anybody else in the chamber agreed with him.

Senator Scullion: I do, absolutely.
Senator FAULKNER: Perhaps you do, but as I look around me it seems very few are supportive of Senator Mason's hope. However, I thank Senator Mason and the opposition for providing yet another opportunity for the government to speak about its economic record. It is very much appreciated that we have this opportunity in today's matter of public importance.

The Labor government has guided this country through the worst global economic circumstances since the Great Depression. It put in place the necessary fiscal settings to insulate our economy and protect jobs from the global financial meltdown. It introduced measures that stimulated our economy and prevented hundreds of thousands of jobs of Australians just hitting the wall.

The opposition has had the opportunity to support Australian jobs and our economy during the global financial crisis but it has squibbed it; it has walked away from that opportunity. Despite the misfortune that we suffer with such an inept and relentlessly negative opposition, the government has kept making the hard decisions in the national interest and getting those decisions right.

Since the worst of the global financial crisis the government has put in place strict financial rules that have had Australia's budget returning to surplus faster than every major advanced economy in the world, but you will not hear that from Senator Mason and the opposition. The government has made over $150 billion in savings to ensure that our budget is on track for a surplus; you will not hear that from the opposition. The opposition can bluster and waste time about the budget surplus, but they fail each and every time to support the savings measures necessary to see a budget surplus become a reality.

In fact, we had Mr Hockey over in London in April this year huffing and puffing about the age of entitlement, and blustering about Western democracy's reluctance to wind back universal access to payments and entitlements from the state. But, when he gets back home he does not support a single government saving. Of course, what he does do—along with Mr Robb—is he cooks up the opposition's ludicrous $70 billion black hole. That was an unforgettable and infamous Liberal Party botch job. I do not think that Mr Hockey and Mr Robb are ever going to be able to live it down.

It is true that the government has a very strong economic report card. Australia has an enviable combination of solid growth, low unemployment, contained inflation, strong public finances, solid consumption and a strong investment outlook. Since the government came into office in 2007, the Australian economy has grown by 11 per cent, despite the worst global economic conditions in 80 years. Our economy is growing faster than every major advanced economy it can be compared with. We have low unemployment: the unemployment rate in Australia is currently 5.4 per cent. Compare that to Europe's; it is less than half the rate: 11.6 per cent. It is also significantly lower than in other advanced economies. Almost 800,000 jobs have been created since the government came to office in 2007. Inflation is contained: currently at 2.5 per cent, which is in the middle of the RBA's target band. Our cash rate is low: 3.25 per cent, which is lower than at any time during the life of the previous government. And who could forget all those claims made day in day out, month in month out, year in year out about the Liberals being the party of lower interest rates? It is not true, is it? We have a strong investment outlook with a record $260 billion of investment at an advanced stage. Of course—and this is critically important—debt is low. Net debt as
a percentage of GDP is peaking at around a tenth of that of comparable advanced economies.

I think that any objective and fair observer would agree that the Australian economy is in good shape. Of course, the opposition do actually know that is the case. They are not noted for their economic expertise. However, on this particular matter, they would be well advised to be generous to the government that has done such a good job as economic managers in this country. Just admit it. Front up and say it; perhaps just drop some of that relentless negativity and petty scaremongering, and tell the truth. I think it is time we saw the opposition start talking up our economy.

The government has been honest about the weaker global outlook which has weighed heavily on parts of our economy, including on some resource projects. We have seen a significant deterioration in the global growth and global economic outlook since last year's budget. We have witnessed a sharp decline in parts of Europe, only a moderate recovery in the US and slowing growth in our region, including China. This has contributed to a downgrade in the GDP forecasts for 2012-13, although on trend growth is still expected. Many forecasters have made the point that the growth outlook contained in the MYEFO is reasonable and in line with their own independent forecasts.

I would like to conclude my remarks by again thanking the opposition for the opportunity that this has given to the government to present the government's AAA-rated economic report card—it is sound economic management which I believe will continue to be in place as those measures introduced by the government bring our budget back to surplus by 2012-13.

Senator WILLIAMS (New South Wales—National Whip in the Senate)
Senator Thistlethwaite: Nine per cent.

Senator WILLIAMS: I will take the interjection from Senator Thistlethwaite. He is not concerned. David Murray, former boss of the Commonwealth Bank, former Future Fund manager, said that between the federal government and the states we are heading to a debt of half a trillion. Does half a trillion worry you, Senator Thistlethwaite? You left Queensland stone motherless broke, with its credit rating downgraded. Now South Australia's credit rating has been downgraded—broke again. You left New South Wales broke. As I said, Senator Cameron has it right: that people cannot trust you; they cannot trust you to manage money.

The funny thing is that while stimulating the economy on 7 October 2009 the Reserve Bank raised interest rates—and in November and in December. We had seven interest rate rises in a row while the government was borrowing money to stimulate the economy. Tell me this, those listening out in radio land: if you are driving your car, do you have your foot on the accelerator and pull the handbrake on at the same time? That is how stupid this fiscal policy was. You are borrowing money to stimulate the economy while the Reserve Bank is putting the brakes on. We had seven interest rate rises in a row, forcing our exchange rate up, causing enormous financial damage to rural Australia, where our exports are put together, put on the boats—where food is grown and mining carried out.

Senator Thistlethwaite: Ten decreases.

Senator WILLIAMS: If Senator Thistlethwaite can find me one economist in the world who says it is good government policy to stimulate your economy while the Reserve Bank is raising interest rates, tell me who it is. You are borrowing money to stimulate the economy while the Reserve Bank is putting the brakes on. We had seven interest rate rises in a row, forcing our exchange rate up, causing enormous financial damage to rural Australia, where our exports are put together, put on the boats—where food is grown and mining carried out.

Senator Thistlethwaite: Wasted money on school buildings—what a waste of money. It was not infrastructure to help our nation produce more; they wasted it. They go on their money wasting schemes, and here we are now with the debt.

Senator WILLIAMS: Go to Inverell, where they pulled down four perfectly good school classrooms. And what did they
replace them with? Four new classrooms. The teachers did not want them gone but of course you would not listen. Then your New South Wales government goes and brings in Reed Constructions, who then go broke and we have so many builders not even getting paid. What a financial mess. That is your history in the Australian Labor Party. You must hang your head in shame because your history is sending our nation broke. That is your legacy. (Time expired)

Senator THISTLETHWAITE (New South Wales) (17:12): Australia is well placed to deliver a budget surplus in 2013. But don't believe me; ask the independent organisations that regularly assess our economic performance. The International Monetary Fund last week gave our budget position a big tick. The OECD recently gave our budget a big tick. All three rating agencies deem us a triple-A rated economy. The opposition always talk about their economic credentials and the fact that they are better at delivering a surplus. So I thought to myself: 'How are they going to do this? How do the opposition claim that they are going to deliver a budget surplus? I'll do a bit of research. I'll go to the Liberal Party's website and look up their economic policy.' If you go to the Liberal Party's website and look up their economic policy, what do you find? You see the 2010 election policy on economics. It is still there. That is their policy: the 2010 election policy. Talk about living in the past. It makes for good reading. The first page says: 'The coalition's superior financial management will deliver an improved budget position over the forward estimates of $11.5 billion.' What actually happened? It was not an $11.5 billion budget surplus, it was an $11 billion budget deficit that they were going to deliver. Their costings came up many billions short.

There is an interesting little letter at the front of their budget costings from WHK Horwath. They are auditors. They state in that letter:

WHK Horwath has reviewed the complete set of recurrent and non-recurrent policy commitments and savings, and is satisfied that based on the assumptions provided, costed commitments and savings have been accurately prepared in all material respects.

What happened to these individuals, Messrs Patell and Kidd? They were hauled before the accounting and auditing standards body and asked to explain how they could sign off on these shoddy accounts. I take the point that Senator Mason raised earlier about shoddy accounting. The Liberal Party wrote the book on shoddy accounting. Do not believe me; it is there in writing, because their auditors were fined for professional standards breaches for signing off on these accounts. And they come in here and talk about their superior economic record.

Shoddy accounting must be a Liberal Party trait, because it has spread to New South Wales, where the current Liberal government have made a mockery of the New South Wales budget. They lost $1 billion—they lost $1,000 million in their budget. Instead of delivering a $337 million deficit, they are now delivering a $680 million surplus because they failed to account properly for this money. It has been described by the independent Auditor-General in New South Wales as 'totally unacceptable'. That is what an independent body said about Liberal Party economic management. They are cutting $1.7 billion from the education budget. Parents have been saying, 'Finally, some relief—maybe they could put that extra $1 billion that they lost back into education.' But no, no, no: the Liberal Party will not be putting that money back into education; they will be keeping it. It says everything about their approach to economic management.
Given the Liberal Party's approach to accounting in New South Wales and at a national level, given that we are going into the silly season of Christmas and given next year is an election year I thought I would give the people of Australia some advice, particularly those who live in Liberal Party electorates. For the public who are thinking about what they can get their local Liberal Party MP for Christmas, what would be a good gift to give to them? Can I suggest that the people of Australia give their Liberal Party MPs a calculator—send one in the Christmas mail, because it is quite evident that Liberal Party MPs do not know how to add up.

New South Wales Treasurer, Mike Baird, decided he would calculate the budget using his fingers and toes, and look what occurred there. So maybe the people of New South Wales who live in Liberal Party seats could buy a calculator as a Christmas present for their Liberal Party MPs. Hopefully, they will be able to calculate in an election year their election costings. (Time expired)

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

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

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

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Report
Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:18): At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee on the provisions of the Law Enforcement Integrity Legislation Amendment Bill 2012, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

BILLS
Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Senator HANSON-YOUNG (South Australia) (17:19): One of the most dangerous myths flying around is that something is better than nothing. That is what we have heard from the Murray-Darling Basin Authority and that is what we keep hearing from Minister Burke. But something is better than nothing if, indeed, it is not locking in failure.

The worst outcome would be a plan that locks in failure and that puts the final nail in the coffin for the Murray-Darling Basin system—the final nail in the coffin for the river, allowing it to continue into environmental collapse. That is why we need to ensure that we get this right.

The bill before us, the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, would allow for the adjustment mechanism—to allow five per cent up, five per cent down—despite the fact that we need to return a minimum amount of water back to the river in order to give it a fighting chance.

This piece of legislation will have a significant impact on the Basin Plan and on
how it actually achieves the outcome and how that exorbitant $11 billion will be spent.

The government's bill amends the Water Act to allow the long-term average sustainable diversion limit to be adjusted up and down by five per cent, basin wide and averaged out. That could be a gain or a loss, depending on what it is that the political will in this place will allow.

It could be a gain or a loss of 710 gigalitres. That means risking nearly a quarter of the whole volume of water that is meant to be returned to the river system. Let us remember that, in the first place, we are starting from a very low point. We are told by the minister that when the Basin Plan is finally tabled it will return only 2,750 gigalitres to the river. And if we were to allow a five per cent reduction, then we would be looking at returning only a piddling 2,100 gigalitres for the environment. If we are to save the river from environmental collapse, then by any stretch of the imagination that is not enough.

The best available science, which has been advocated and spoken about passionately, from the Wentworth Group of Concerned Scientists, CSIRO, 60 of Australia's leading water scientists, environmental groups and many people in my home state of South Australia, including farmers and irrigators, know that this is simply not enough in order to save the river into the future. They say 2,750 gigalitres is not enough, so clearly 2,100 gigalitres is nowhere near what we need to reform the system. They even say that 3,200 gigalitres is really not enough—but it could be at least a good start if it were a guaranteed minimum. We know that the best available science says that at least 4,000 gigalitres is what is needed if we are to give the river a fighting chance and allow it to get through those dryer times. Returning enough water is not just an environmental necessity; returning enough water to deliver true reform is the only responsible position because it is about the very existence of a sustainable river system that keeps our industries and our basin community alive and well—as well, of course, as protecting those unique species that are currently at risk throughout the basin.

The adjustment mechanism will be benchmarked to environmental outcomes that will be pegged to a sustainable diversion limit that is set by the Basin Plan—and that is only at 2,750 gigalitres. If we allow this bill to pass in its current form, the only water guaranteed to be returned by this parliament to the river system is 2,100 gigalitres. That is not enough to save the system; it is not enough to give the river a fighting chance, particularly in the dryer years. The 2,750 gigalitres currently proposed by the authority and the minister would achieve only 57 per cent of what we are meant to be trying to do—57 per cent of the authority's own environmental targets for the health of the river would be met. If we allow this legislation to pass, it would reduce the water to be returned to the river to 2,100 gigalitres. We are going to get nowhere near that target when, even at 2,750 gigalitres, only 75 per cent of those targets are achieved. It is a starting point that fails. It will condemn the Coorong and the Lower Lakes and many of the flood plains around the basin to a certain death, particularly in the next drought.

Let us not forget all of that and that we are actually spending $11 billion of taxpayer money—$11 billion which is meant to be saving the system is condemning it to certain death. That is why I will be moving an amendment this afternoon or this evening—whenever we get to that particular part of the debate—to ensure that there is no cap on the five per cent adjustment when it comes to returning more water to the river. This bill in
its current form allows less water to be returned to the river and sets a cap on how much we can achieve. As we get better at being able to use more water more wisely and at understanding that the needs of the environment are becoming more and more dire, rather than saying that we should be able to return more water to the river, this bill, as it is currently set out, says no, you cannot; it puts a cap on our level of achievement.

As our knowledge of climate change grows, and groundwater extraction increases and the climate dries, we know that we need to be finding more flexible ways to return more water to the river. That is what science tells us and, if we are going to make the river survive, that is what we have to do.

I will also be moving an amendment that removes the ability of the adjustment mechanism to reduce the amount of water available for the environment. It is not genuine for anybody in this place, particularly the minister, to stand up and say that this plan will deliver 2,750 gigalitres if this bill passes in its current form—as that can be reduced to returning only 2,100 gigalitres. We know that the eastern states, particularly Victoria and New South Wales, will be quite happy with returning only that amount of water—but it is not going to be enough to save the river.

The Greens will also be moving amendments to the bill that is currently before the House of Representatives which would allow for the payment of the extra 450 gigalitres—the 450-up bill, as it is being referred to around this place. This bill was announced with a big fanfare by the Prime Minister when she visited the Murray Mouth only weeks ago. Of course, that extra 450 gigalitres is not guaranteed in the current legislation that is before the House of Representatives. We need to make sure we can amend that to make sure that it is; otherwise, all we see before us are two pieces of legislation that continue to pork-barrel more Australian taxpayer money to the big irrigators upstream—billions upon billions of dollars—without any guarantee that real water is going to be returned to the river. That will fail not just the public's view and desire and understanding that this reform is meant to be saving the river; it will fail the river itself, and it will certainly fail the aspirations of my home state of South Australia.

We need to make sure that we have a floor—and that is what this bill should be doing: putting in place an absolute minimum so that, if we are going to spend $11 billion of taxpayer money, we know for certain that this amount of water at the very least is going to be returned. We want nothing less, because we know that returning even less water will condemn the lower stretches of the river, the southern end of the system, to a slow death.

Despite the fact that we have this piece of legislation before us, and despite the requirements of the Water Act itself, there has never actually been modelling or a public release of the best approximate figure for water recovery that will satisfy the 112 hydraulic targets across the basin. We will never know what the right figure is. The best available science tells us is that it is at least 4,000 gigalitres. The minister, the Prime Minister and the Premier of South Australia say at least 3,200 gigalitres is needed. It can be done and it should be done. Let us make sure that is an absolute minimum and lock it in. To do that, this bill would need to be amended in the manner in which the Greens will be moving.

The Greens have a long-held position to stand by the best available science, and that has meant at least 4,000 gigalitres. We have
said to the government very clearly that we would be willing to accept 3,200 gigalitres as a step forward, but we have to lock it in and we have to make sure it is an absolute minimum that we cannot waver from. To do that we must ensure we remove the ability to relegate down five per cent, as currently outlined in this bill. I will also be moving amendments to ensure that, when the adjustment is proposed by the authority in 2016, it must also release basin-wide integrated modelling for the impacts on all of the targets that have been set out so that no-one who lives in the communities throughout the basin will be left in the dark again.

The other very weak part of all this is the allowance in the plan to increase the groundwater extractions. Throughout this year we have heard many scientists raise this as a major concern: the fact that there will be an allowed increase in the amount of water that can be taken out of the ground—an increase of 1,700 gigalitres. That is extra water being given away, virtually for free. The Wentworth Group of Concerned Scientists have raised significant concerns about this increase. The government, the authority and the government agencies cannot even tell us what that interconnection between the groundwater and the surface water is going to be.

The Greens will be moving amendments to this legislation to make sure that, before any increase in groundwater extraction occurs, we know exactly what the impact is going to be on the surface water and to communities downstream. We should not be giving away more water, repeating the mistakes of the past by allowing overallocations to the groundwater system simply because we do not have the information to help us make the right decision. Let's get the review, let's get the science, and then we can determine whether increasing groundwater extractions is indeed the correct thing to do. The Greens amendments will fix this.

Our amendments will return to the precautionary principle: let's know what we are doing first before we move in and start ripping out more water. In an age of climate change we need to make sure that we are taking on board through these reviews the most up-to-date information about climate data. The Greens amendments will make sure this happens. The increased knowledge about climate change must be factored into how the plan can be adjusted. It is absolutely crucial at a time when we are fighting to reform the Murray-Darling Basin system that we do not do it in the vacuum of what is available now. This is meant to be a plan for the future. Once this plan is passed, it will be in place until 2030. The climate is going to be very different by 2030 and we need to make sure that we have the ability through the adjustment mechanism to adapt as need be.

In my closing remarks I want to emphasise how important it is for this piece of legislation to be amended to make sure that the plan is the right one to save the river, not just for the rest of the country but, indeed, for the end of the system in my home state in South Australia.

**Senator CAMERON** (New South Wales) (17:33): I am pleased to support the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012 before the Senate. This bill, along with the Water Amendment (Water for the Environment Special Account) Bill 2012, was referred to the Environment and Communications Legislation Committee by the Selection of Bills Committee. The bill was sent to the environment committee on the basis that it would remove the power of the minister and the parliament to oversee potentially significant changes to the
Murray-Darling Basin Plan and because doubts have been expressed by the various states upstream and downstream and stakeholders of all persuasions—that is, irrigators and environmentalists—about the content of this bill. The concerns from the irrigators and the environmentalists were two extremely different concerns. One focused on the social issues that were outlined by Senator Barnaby Joyce earlier and others were reflected in Senator Hanson-Young's contribution about the importance of the environment. So there were two really conflicting approaches to this bill.

I congratulate Minister Burke on moving this forward. We could have been in the same position as we were for a long time with climate change issues and putting a price on carbon, where the position was deadlocked and we did not move. I understand that this bill will not meet Senator Hanson-Young's concerns and some of the environmentalists' concerns. I also understand that there are still concerns from the National Party and the coalition about some aspects of the bill. We are never going to get a pure position that will satisfy either the Greens party or the coalition. To try to get this bill through parliament, the government have accepted some issues that we may not have wanted to accept. One of the issues was the independence of the Murray-Darling Basin Authority.

It is clear that the Murray-Darling Basin Authority will have the expertise to deal with these issues. But it is equally clear that you would never get a Murray-Darling Basin Plan through parliament if you did not give some ground on some issues to try to get a consensus, to get some progress on this vexed issue. And this is a vexed issue.

This has been a vexed issue from the very day John Howard determined there was going to be a Murray-Darling Basin Plan and allocated $10 billion to a plan, without any consultation with his ministers, without any consultation with Treasury and without any consultation with the cabinet. That was the start of this bill, and we have had to pick up the pieces on the way through. And I think Minister Burke has done a tremendous job to get us to where we are.

Senator Joyce said earlier that people were doing it tough out in the irrigation areas, and I understand that. He said that some of us here may never have done it tough. Well, I have done it tough. I have lost my job because the economic circumstances meant that the employer I was with could not continue. I have had to try to deal with individual workers as a union official, and with communities and enterprises—with people who have lost their jobs and their futures as a result of economic circumstances and changed circumstances. I have been lectured about Schumpeter's theory of creative destruction—about how things change and how you move from one job to another. I have never been too impressed by Schumpeter's theory of creative destruction. But I have to say that I do understand that workers and communities need to be taken into account, and I think this bill is trying to do that.

The other aspect of this which has not been spoken about to any great level—Senator Hanson-Young has raised it—is the changing climate, and the need to deal with these issues. It is interesting that we have just had another report, not from a green group, not from some tree huggers, but from the World Bank. The World Bank is basically saying that they have reviewed all the literature, all of the science on this issue, and that we are heading for a four-degree increase in the temperature of the globe.

It is okay for people to stand up here and say, 'We've got to protect every job; we've
got to protect every community,' but they have to take into account the health of the river. That is what came through to me in the committee hearing. I agree with Senator Hanson-Young: if you do not have a healthy river then the jobs that are associated with the river will go and the communities will be as unhealthy as the river. You cannot, by some legislative process in parliament, guarantee that there will never be a change in the communities on the Murray-Darling. As much as we would like to think so, it is not going to happen. I think climate change is going to make us look at this as an ongoing issue, but I think the minister has done a good job in trying to deal with the issues that are before us at the moment to try and get this bill through.

I really do not accept the proposition, from the Greens again, that we will get out there and do all the pure environmental issues and not take into account the issue of the communities. There has to be a balance. But that balance has to take into account the environment. That is my view: it has to take into account the environment. And you can never get everything you want in one hit.

I would have been more interested in the Greens and their contribution today if they had actually attended all the hearings, and listened. Senator Hanson-Young, you can sigh all you like, but I think if there is a hearing on the issue that you are so passionate about then the Greens could actually turn up to all the hearings and listened to what is going on. So I just do not accept all this passionate opposition, when the Greens will not even put the effort in to attend all the hearings. It is a bit rich to be here with all the passion and all the worries if you do not even attend the hearings on this issue. It is an issue, and it is a real issue.

So what we are trying to do with this bill is to ensure that we achieve, as best as possible, a balance. It might not be perfect for the irrigators. It might not be perfect for the environmentalists, or the Greens. But there was lots of conflicting evidence before the committee about the impact of the 2,750 gigalitres, moving to 3,200 gigalitres with that 450 extra gigalitres. There was evidence about choking points. There was evidence about floods in some areas around choking points in the river. There was evidence from the irrigators about the need to actually manage this very carefully, and there was other evidence, which was completely to the contrary to that, from the environmentalists, similar to what Senator Sarah Hanson-Young has put here: that there are real problems with the approach and not enough water to make the river healthy.

We went to two areas. We went down to South Australia and we heard all of the arguments about why you need to actually meet the commitments that the government outlined and that Minister Bourke outlined in his second reading speech. In relation to the special accounts bill, the committee has said that we should actually put the targets in legislation so that the fears of some environmentalists, that we would not get that water in and it would not make the difference down in Adelaide, would be dealt with. So it was very important to do that.

My view, and I have not got a lot of time left, is that we certainly should support this bill. It may not be everybody's nirvana and it may not be the perfect issue for everyone here but it is a massive step forward in trying to get the Murray-Darling Basin Plan in place to make sure that the population of Adelaide can have access to water and can have reduced salinity and that we can have the rivers as healthy as we possibly can while maintaining the social, industrial and agricultural efforts in other areas upriver from Adelaide. So this is a very complex issue and this is a tough game.
I say again that Minister Burke has done a tremendous job in trying to manage this through parliament given the problems that we have. It became clear during the hearings that there were differences between the Liberals and the Nationals because different constituencies have different priorities—and I am not criticising that as I think some differences within parties are good for debate and outcomes. I see Senator Birmingham has come in and I am sure he will be speaking shortly. Senator Birmingham has got the job of trying to massage this through with Senator Barnaby Joyce. Good luck, Senator Birmingham! You are going to have your work cut out but I am sure you are up to it. I am sure Senator Joyce will be saying cotton farmers have to get a fair go as well. It will be an interesting debate in the coalition party room on this issue. I am looking forward to the outcome of that to see who comes out with their head still intact.

I support this bill. I think it is important that it gets through. It may not be everybody's perfect solution but it is a solution in the interim to get all this moving to get a Murray-Darling Basin Authority plan in place. I think it is a good approach. I certainly support the bill and I commend it to the Senate.

Senator BIRMINGHAM (South Australia) (17:46): I rise to offer in-principle support for the Water Amendment (Long-term Average Sustainable Diversion Limited Adjustment) Bill 2012, and to welcome the arrival of this legislation for debate in the Senate because if signals, I hope, that we are getting very close to the end of a very long, tortuous and drawn out process. It is more than five years since I rose in this place to speak—at that time sitting not far from where Senator Cameron, who has just spoken, sits now—on the then Water Bill 2007. The Water Bill was the last great reform of the Howard government. The attempt to get Murray-Darling Basin reform at a national level was the last great issue pursued by the Howard government and it is one of which I am incredibly proud. It has not been smooth sailing since then; it has not been smooth sailing at all.

The Howard government handed down a package that involved legislative reform through the Water Bill, which is now the Water Act, which at present we are debating amendments for. It provided for a $10 billion fund, to try to ensure the adjustment required to put the Murray-Darling Basin on a sustainable footing could be achieved and achieved in a way that protected the economic and social fabric of our food-producing communities. Not everything has been smooth since then. I do not want to dwell too much on what has gone wrong but certainly we have seen significant delays in terms of when we expected to see a basin plan under the Water Act finalised. Happily, it looks like it is very close to finalisation—it looks like we will see it finalised and delivered within the next few weeks, if not days. If that is the case, and particularly if Minister Burke has managed to do this in a way that has some buy-in and some approval from each of the Murray-Darling Basin states, then I will congratulate him on having done so.

For more than 120 years this country, particularly in the Murray-Darling Basin states, has argued, squabbled and bickered over water reform. Way back when the Federation conventions were held in the 1890s to debate the writing of the Australian Constitution and the very establishment of this parliament in which we meet today, the then South Australian Premier, Charles Cameron Kingston, was arguing that there should be explicit federal powers for the
management and oversight of the Murray-Darling Basin. Why? Because, as John Howard more than 100 years later in 2007 put it, 'the rivers don't recognise state borders'. The Murray-Darling system and its tributaries stretch across five different state and territory jurisdictions. They do not recognise state borders, yet our system has been managed on a basis of state borders. So I am pleased if we are getting to the end, if we are getting to a point where, as the minister has indicated, the passage of this bill before us today will allow him to hand down the basin plan that John Howard envisaged in 2007. That would be a very strong step forward.

Critical to it, though, will not just be volumes of water. Volumes of water are just means to ends in this process. The ends involve several things. Firstly, they involve, of course, having an environmentally sustainable River Murray and Murray-Darling Basin. The growth in extractions and water allocations that we have seen over decades reached an unsustainable point, and that is what prompted this action and this reform, in 2007. So I hope that we will see brought in changes that will give us environmental sustainability for the key environmental assets of the river and, importantly, the river system itself and that will ensure that level of sustainability for the future.

Importantly, the ends also include having vibrant regional communities. I want to see not just a plan but the supporting evidence for the water recovery strategy that will accompany it and for the intergovernmental agreement that should accompany it. I want to see the evidence that demonstrates that this plan will be delivered in a way that guarantees the future of river communities in my home state—Senator Ruston, who I note is in the chamber, lives in the Riverland in South Australia—as well as the river communities in the home states of Senator McKenzie, who worked with me on the committee report and inquiry into this legislation; Senator Nash, from New South Wales, with whom I have travelled extensively around the Murray-Darling Basin; and Senator Joyce, my colleague and the shadow minister for water, from Queensland. We want to make sure the river communities in all of those jurisdictions have a strong future ahead of them, not just for the sake of those communities having a strong future—although that is a pretty worthy goal in and of itself—but also to ensure that this country continues to grow food for itself and food for export to the rest of the world.

Wherever I go, I am yet to meet anybody who does not want Australia to be a country where farmers grow our food on Australian farms for Australian consumption and for export to the world. It is critical that we have that. It is why the $10 billion was allocated by the Howard government. That funding was central to solving the problem of overallocation, to making the take from the Murray-Darling sustainable. In bringing around that sustainable take, we not only kept farmers on their farms with the same level of productive capacity or better but we also returned water to the environment by doing it all far more efficiently.

Regrettably, over the last five years, the priority that those efficiency improvements should be given to upgrade infrastructure has not necessarily always been there. We have seen, of the money that was put aside, more than $500 million meant for infrastructure projects spent on administrative functions and even on advertising campaigns. The proof of this government's failure to deliver on the principle of supporting infrastructure as the cornerstone of Murray-Darling reform is the fact that to date, in terms of the water secured for the adjustment to a sustainable
Murray-Darling Basin plan, in excess of 1,000 gigalitres has been secured through buybacks—often buybacks lacking any type of strategy or thought as to their impact on local communities—and just under 300 gigalitres, less than a third, has been secured through infrastructure programs. That has done so much to undermine the confidence of basin communities in this reform agenda and made the process of getting to a final outcome so much harder.

To give credit where credit is due, I acknowledge that Minister Burke and the government have been converted to the priority that should be given to infrastructure. They may be late converts and they may have done a lot of harm to confidence in this process along the way but the conversion is welcome. The conversion, the plan and the water recovery strategy, which would give some priority to a range of infrastructure programs and environmental works and measures, are very welcome. The legislation before us is central to that. The adjustment mechanism allows not just for an upwards adjustment in environmental flows but also for an acknowledgement that if you can get the same environmental benefits by holding less water then that is what you should do. Our priority should be to have a sustainable river system because everything we do depends upon that and the future of our irrigators depends upon that. Beyond that, we should ensure that every drop we can allocate to productive uses is sensibly used because that is what generates the wealth in our country and what generates the food for our region.

Sheer volumes of water are not always the answer. Just go and ask the irrigators in my home state around Lake Albert, where the sheer volumes of water running through the system are always the answer. Right now Lake Albert irrigators look out from their front porches across Lake Albert and see a lake that still has water in it that is unusable for irrigation activities. It still has in excess of 3,000 or 4,000 EC units—way above what could practically be used. We are at the end of our third consecutive year in a row of flooding through the Murray-Darling system. We have seen enormous volumes of water pushed through the system and flowing out of the Murray mouth, yet Lake Albert, at the bottom, has not managed to recover from the last drought—not for lack of water but from poor management. The entrance to Lake Albert has never been properly dredged or cleared and there is no flow-through of water. These are concerns that should be addressed to ensure we get a better environmental outcome regardless of how much water actually passes through the Murray mouth.

I welcome the fact that this legislation is a step forward to getting an outcome. I welcome the fact that it provides flexibility, which hopefully will see better environmental outcomes up and down the river regardless of how much water is involved. I welcome also the fact that the government has shown some cooperation with the opposition in dealing with this legislation. When it was first introduced into the other place, there were concerns that the Water Amendment (Long-term Average Sustainable Diversion Limited Adjustment) Bill 2012 did not have proper ministerial or parliamentary oversight attached. The basin plan that is established through the Water Act that was passed here in 2007 is a disallowable instrument. It will be tabled in this place and the parliament will have the opportunity to have a final say on whether it is a good plan or a bad plan. It is our belief that changes to it facilitated by this legislation should be treated the same way. That was not the government's original intent, but I acknowledge and welcome the fact that the government supported amending
the legislation in the lower house to reflect the fact that the opposition wanted to see that ministerial and parliamentary oversight maintained. I think that is very, very important.

We are potentially on the cusp of a period of good cooperation on this topic across the chamber, as, in fact, there has been at almost every juncture. Though I may have many criticisms of the way the government has gone about implementing this, I note that the Water Act itself was a bipartisan piece of legislation. Amendments to it, made in 2008, were also made in a bipartisan way. The only people in this place who have really sat on the sidelines and never been constructive in this process are those on the crossbenches, in particular in the Australian Greens. I notice even today that the Greens are still trying to play base politics with this. I see a media release from Senator Hanson-Young, who appears to want to be critical of the legislation before us. Yet, rather than criticising the government, whose legislation it is, the media release is headed 'Barnaby Joyce poses a real danger to river plan'.

Senator Hanson-Young: That was from Saturday!

Senator BIRMINGHAM: Thank you, Senator Hanson-Young; it was from Saturday. I do not check your website all that often, you will be pleased to know. However, Senator Hanson-Young, what I did check was that during the committee hearings into this legislation and the complementary bill, the legislation to establish the environmental special water account, the Australian Greens were nowhere to be seen. There were hearings in Adelaide, there were hearings in Canberra. Two different opportunities, not a single one of the Green senators. How many of them are there nowadays? That is right, there are nine of them. There are nine of them nowadays.

Senator Fierravanti-Wells interjecting—

Senator BIRMINGHAM: You are dead right, Senator Fierravanti-Wells: you would have thought that one of them could have turned up. They are pretty quick to come into this place and throw barbs around, they are pretty quick to put out press releases, they are very, very quick to engage in the stunts, and yet when the hard work was there to be done where were the Greens? I will acknowledge that Senator Hanson-Young was, I think, overseas at the time, but you would have thought that one of the other eight Greens senators might have been able to participate in the inquiry into this bill and the other bill.

I am disappointed that, as we are getting close to reaching something that could be quite historic in finally delivering on the long-held dream of national management for the Murray-Darling Basin, there remain those who say they are concerned about the environment, but frankly, from their actions, look far more like they just want to maintain the debate rather than see an actual outcome. I want to see an outcome from this process—be in no doubt about that. I want to see a plan brought into this parliament that all of us on this side of the parliament can support alongside all those on the other side of the parliament. I want to see us ensure that we have a future in the Murray-Darling: that it has a healthy river system, that it has healthy and robust communities, and that the outcomes and ambitions that John Howard and Malcolm Turnbull had in 2007 are delivered. I want to see a situation where we make sure that environmental water is used just as efficiently, just as effectively, as irrigated water is used. I want us to get to a situation where eventually—hopefully—squabbling between the states just might
come to an end. Maybe that is too much to hope for, but perhaps we could at least get to a situation where there is an acknowledgement that all states are trying to apply best practice standards to infrastructure, to irrigation and to environmental water use, and that we are trying to get a positive outcome for the river system, for the river communities and for this country's future.

The opposition will propose one amendment to this legislation. The amendment seeks to ensure that the socioeconomic test that Minister Burke and the Prime Minister and others have spoken of is enshrined in this legislation. We hope the government will support that amendment. It certainly is something we have spoken to the government about in relation to the other legislation that is before the parliament at present—the Water Amendment (Water for the Environment Special Account) Bill 2012—and I particularly hope to see changes made to that to ensure that all of the promises that the government has made on that legislation are included in that legislation when it comes to preserving the future for communities.

As I sum up, I think back to the number of times in this chamber that I have had cause to speak on the Murray-Darling—a topic I have spoken on probably more than any other. I am pleased, as I have said, that we may be close to getting something that will deliver a long-held dream of national reform. I hope the government does not mess it up in the final days or weeks, we get an outcome that all of those fellow senators from all of those different states representing all of those different communities have something they can go back to their communities with and say: 'We can work with this. We can build on it. Sure, we can improve it. We can make sure that it's as fair as possible to each of your communities, but that it is something that gives us a healthy river and does so in a way that preserves the economic and social fabric of the all of our communities.' I look forward to the committee stage of the debate, and, importantly, to the passage of this bill.

Senator RUSTON (South Australia) (18:07): I, too, rise to speak on the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. Firstly, can I say that I am an irrigator. I hold a water licence in South Australia and I am a member of a community that relies absolutely entirely on the Murray River for its very existence. There is not one person in the community in which I live that does not want a healthier river—a river that is in a robust enough condition to continue to provide for river users, a river that will continue to feed this country and many people who live overseas, and a river that will provide enjoyment and benefit for every Australian. My community is very, very keen to see a Basin Plan that will return certainty to their lives.

For the past five years, while the government has flip-flopped all over the place, developing numerous draft plans, desktop testing numerous scientific assumptions and spending millions and millions and millions of dollars of taxpayers' money, river communities have remained in limbo. There are fears now that nobody has actually been investing in these communities. People have been reluctant to spend money on infrastructure, on new plantings and on plant and equipment, because they just do not know what the future holds. We now have this huge investment lag which we are now going to need to deal with over the coming years. Just as an example, the current crisis that we have in our citrus industry has certainly been exacerbated by the fact that people have not had the confidence to change their plantings,
and, hence, we now have an oversupply of some varieties while demand for new varieties cannot be met.

Another consequence of this prolonged inactivity and uncertainty in the market is the price of water. As long as the government continues to be such a significant player in the water market, the price of water will remain distorted. Once we have this plan in place, the government plainly needs to get out of the water market and let the market find its own level. In doing so we might get some confidence back into that market. Hopefully the trading of water will start to be done for sound economic reasons and we will stop seeing the short-term profiteering that we saw during the drought. Basically, we just need certainty so we can get on with our lives.

Hopefully, the adjustment mechanism proposed in this bill will give some comfort to the people in the community that I live in. There is no doubt that we do need a mechanism so that we can alter the SDL, because there is plainly every chance that the SDL is going to be wrong. Over the time we have been debating this in the short time I have been in this place, the number has kept on changing. The number is based on science, it is largely untested in the field and it is a constantly moving target. The adjustment mechanism will hopefully allow us to test the science in a real-world situation before we destroy further communities along the river by continuing to take overgenerous amounts of water out of our system before we have even seen whether we need them to achieve the outcomes that we are seeking.

I can talk about the obsession with his magic number. We have had 7,000, 4,000, 3,500, 3,200 and 2,750—all these numbers have been banded around. But the real issue is not how much water we need but how, where and when we need it. We do not have an implementation plan. We have no environmental watering plan. In fact, as I am standing here today debating this particular bill, we do not even have a Murray-Darling Basin plan. Until we see a basin plan we are just having a chat about what might be. As one person tweeted on Q&A last night, 'A vision without execution is an hallucination'. Without either an implementation plan or an environmental watering plan, we are playing in the dark. We have none of these documents. It does give me some confidence that the mechanism to change the number exists, but none of us can have any confidence whatsoever that that number is right. I am not saying it is wrong, but we do not know whether it is right.

We do not know whether delivering the water when and where it is needed is even possible. The Committee for Economic Development of Australia report the Australian water project, of 2012, raises this issue when it says:

Better funding and coordination of environmental water allocation, monitoring, measuring and analysis is critical before any changes are made to the sustainable diversion limits.

I note that in the last two years we have seen significantly above-average flows but, as Senator Birmingham mentioned in his comments, we have not seen any great improvement in the Lower Lakes—simply because we have not done the necessary work to be able to achieve those environmental outcomes. It is not just water; it is what you do with it. So we need a much better understanding of how this water will be used before we can hope to come up with an SDL that maximises economic outcomes, protects our river communities and delivers good environmental outcomes. During a recent Senate committee hearing the Chief Executive of Murray Valley Winegrowers,
Mark McKenzie, highlighted this issue when he said:

We do not have the capacity to fully assess the plan at this point for a couple of reasons. One is that we do not have a water recovery strategy and we do not have an environmental watering plan in final form. They are still works in progress. …

From our perspective, we have always held that it would be better to do the work first rather than push on with a target which, with respect, is a political target, not a target to deliver a plan which the whole community in the basin can sign off on. That said, we are fatigued and we need certainty. …

Mr McKenzie probably speaks for many, many people that live in these basin communities.

I also think that most people in the basin just want a plan. I know that the people in South Australia just want a plan, and I also think that every South Australian would agree that a healthy river is extremely important. I do not think you would get much argument from the farmers who rely on the river that a healthy river is in their best interests. What they will argue about is taking water from productive use before all other avenues of water savings have been exhausted. This has been argued right across the basin.

During the same water hearing I was referring to, the Chief Executive of the NFF, Matt Linnegar, also commented:

… a limit [should] be placed on any future buyback in light of the social and economic consequences that would follow.

Mr Tom Chesson from the National Irrigators Council also argued that buybacks must be a last resort.

There are a number of options available to achieve water outcomes without resorting to further buybacks, and they are off-farm infrastructure improvements to increase efficiency in the delivery of water, environmental works and measures, removal and reduction of constraints to the river flow and on-farm efficiency measures. All these measures must be pursued so that we can find out exactly how much water can be secured, without reducing productivity in one of Australia’s key sectors—primary production.

I would like to draw the attention of senators again to the CEDA report, the water project report, where it said:

A rigorous investigation is required into the food supply chain for irrigated agriculture—from water, to crops, to international food markets—to remove blockages and constraints so Australia can take advantage of increasing international demand.

If we are serious about taking advantage of the opportunities of the Asian century that this government is talking about, we need the capacity to expand our food production. One the one hand, the government is saying that Australia needs to take opportunities in China; while, on the other hand, the government is restricting our opportunities to participate in this sort of planning. This is not only happening with the Murray-Darling Basin Plan. We only have to look at what is happening in our fisheries at the moment, with the restrictions on being able to fish in areas around Australia. We are restricting our fishery when we do not have any species of fish that are being threatened by overfishing—which is interesting in itself.

As I stand here today, just over 1,500 gigalitres of water has been returned to the basin using the money allocated to it in the $10 billion fund. Very little has come from infrastructure projects, and the rest has come from buybacks—water that has been taken out of productive use. Much of this water has been purchased from desperate sellers—not people who wanted to sell their water, not people who were making money out of selling their water, but people who were desperate to get the banks off their backs.
People were living in situations of such total uncertainty about their products and their ability to invest in their businesses that they just had to sell their water. I think this is a very, very sad situation to find ourselves in.

It is time that the Infrastructure Fund lifted its game and started putting back its share of water into the communal bucket. With $5.8 billion allocated to infrastructure projects, what have we got to show for it? My understanding is that we have secured around 280 or 290 gigalitres of water so far out of a $5.8 billion fund. This is an absolute disgrace! What is a further disappointment is the need for the constant requests to the MDBA for information specifically about how that money has been spent. To the best of my knowledge, those questions have not been answered. I heard those questions being asked in estimates. They were put again to the department during the Senate hearing on this matter just a couple of weeks ago. Without this information, it is very difficult to know how much money is likely to be needed to secure the additional water in order to reach the targets that are on the table and that are assumed to be in the plan, as well as any subsequent money needed should the circumstances occur where the SDL is lowered through the mechanism that this bill seeks to legislate.

The more sceptical of us would say that the reason we do not have the breakdown of this money is that maybe the money has been used for purposes that were outside the intent of the fund. Maybe the agency has spent vast amounts on consultancies and on its own administration. Maybe the government knows that there is insufficient money left in the bucket to fulfil the promises it has made, particularly the promise that the Prime Minister made to the people of South Australia to return 3,200 gigalitres of water to the river.

As I said, the food producers and the communities support the river. They also support the MDBA in its endeavours to come up with a plan—a plan that will provide for the ongoing management and operation of the system in a sustainable manner. These communities have already given up a huge amount of water over the last few years to return it to environmental flows, and so it is very disappointing when we hear that the environmental lobby is fixated on buyback as the way to achieve water recovery. My question is: why should they care?

The Australian National Environmental Defenders Office said at a recent hearing that research indicates that buying water access rights is the most cost-effective means of returning water to the environment. One would like to think that the Environmental Defenders Office might be thinking about the implications of buying back that water from communities and not worrying about whether it is going to deliver an environmental outcome. During the hearings, these same sentiments were expressed by other groups like the Australian Conservation Foundation and the Wentworth Group. I would say to these groups: 'Your agenda is to get enough water to meet your environmental targets. How that water is achieved should not be of any concern to you.' They should leave the irrigators alone and allow all the other mechanisms that I have mentioned to provide the water before seeking water through buybacks.

We know that water buybacks have a detrimental impact on our regional communities. The debate about doing it just through buybacks does nothing to achieve a conciliatory outcome on this issue. I will give an example of the terrible impacts that buyback has created in my own local community. It has the Swiss cheese effect, whereby blocks are left completely without water. All of a sudden, you have fewer
irrigators in your community, but the same amount of infrastructure still has to be paid for by the irrigation trusts in the region. So you end up with a situation where fewer people are paying for more infrastructure costs and the land is being left vacant. I say to those who support buyback: think very, very seriously before suggesting buyback as a priority for returning water to the environment.

Before I finish, I would like to put on the record South Australia's record of responsible use of water over the past 40 years. Since 1969, we have not breached our cap. I think every other state would agree that we are very efficient irrigators. We have relied on high security for much of the working of our irrigation operations in South Australia. I would also like to put on the record how the South Australian River Communities group has been working to try to get a fair deal for South Australia.

I would like to acknowledge the huge contribution of people like Ben Haslett, who is a very successful primary producer in our Riverland region who has given up hundreds of hours of his time to fight this cause on behalf of the irrigators of South Australia. I also acknowledge Gavin McMahon from the Central Irrigation Trust, who has also given up the most extraordinary amount of his time in an endeavour to see if we can get an outcome from this plan. I think they would all like to see a great plan for the whole of Australia, but the interests of South Australia have been foremost in their minds. I acknowledge all the other people who preside on the South Australian River Communities committee. I think we need to pay tribute to the huge amount of work that they have done.

I would also like to say that I am very pleased that the government has agreed to changes to this bill in the process of the debate in the other place. I specifically refer to the amendments for the minister to retain oversight of the plan and for the parliament to retain its power to allow and disallow. This is especially important given the comments of the National Farmers' Federation about how they had lost all confidence in the Murray-Darling Basin Authority and its ability to come up with proper and good outcomes. So I hope retaining the legislative instrument and also the minister's ability to oversee this plan will go some way to appeasing the concerns of the communities throughout the Murray-Darling Basin that the Murray-Darling Basin Authority has not been serving their best interests and instead has been playing puppet to some political masters.

I understand that this bill is required to be passed to enable the minister to present the final Murray-Darling Basin Plan. On that basis I am very keen to support this bill because, like almost every other person who has been involved in this process, I want to see the plan. If you went out and surveyed everybody who has had any involvement in developing this plan over the last five years, I think they would all be extremely fatigued and be saying, 'Just show us the plan.' But, in supporting this bill, there must be a rock-solid guarantee that the socioeconomic integrity of our river communities is not jeopardised. We need to ensure we meet the requirement that there is no detrimental socioeconomic impact to this bill on our communities when it comes to any changes or any distribution of water from this river. I will support anything that goes to the crux of covering off the socioeconomic impacts of this bill, subsequent bills or the plan. It is absolutely essential.

Implicit in this is the promise of the Prime Minister and Minister Burke that there will be no compulsory acquisition of water to achieve any of the targets that have been set.
through this process, whether that be the original 2,750 gigalitres, the extra 450 gigalitres that was promised recently by the minister to appease the South Australian premier or the adjustment mechanism that may or may not be required resulting from this bill.

I want to be able to support the plan and I will do so if it delivers the triple bottom line of social, economic and environmental factors and addresses the issues by minimising the cost to communities, delivering improved environmental outcomes and enabling increased efficiency in the irrigation sector. We cannot take support for this bill as support for the final plan. To do so at this stage would be premature and negligent because, as we have said on numerous occasions, we have not seen the plan yet. There is on our side, however, a genuine and honest commitment to progress water reform in the Murray-Darling Basin. I therefore hope that we can reach agreement on the passage of this bill so we can see the final plan and all of us can get on with our lives.

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate) (18:27): I also rise to make some remarks on the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. To follow on from some comments that my colleague Senator Birmingham made earlier, I too feel like I have spent many hours in this chamber discussing the issue of water. It seems like for years now we have been backward and forward across this chamber on the various iterations of water issues, with the Water Act 2007 initially and then the variations along the way. I have certainly sat through many hours of the Senate Rural and Regional Affairs Committee looking at issues to do with the Murray-Darling Basin and many hours in the estimates process doing exactly the same thing. I concur with those who say a resolution is needed.

It certainly has not been easy; there are no two ways about that. There are so many varied views about the appropriate way forward for the management of the Murray-Darling Basin that it is an enormous task to try to come to some consensus resolution on the most appropriate way forward. As my colleague Senator Joyce said earlier—I certainly do not want to verbal him—there is no perfect solution; there has potentially been some ground to give on all sides. But the mistake should not be made that this bill is in any way, shape or form—as Senator Ruston said before me—about the Basin Plan. That is an entirely separate issue. Support for this bill in front of us today in no way indicates support for the Basin Plan, because we simply have not seen it yet. Until we see the detail, there is absolutely no way that we on this side of the chamber can commit to signing up to it. I think that is a fair and appropriate position for us to take at this stage.

Certainly this bill in front of us today needs to be looked at independently of the broader water issues. It needs to be noted—and I want people to be very clear on this fact—that the ability to amend the Basin Plan already exists in the current Water Act, in subdivision F, from section 45 onward. So this is not a new introduction. This is not some new surprise that has suddenly been brought into the chamber. The ability to amend the Basin Plan already exists.

**Sitting suspended from 18:30 to 19:30**

**Senator NASH:** Before the dinner break I was pointing out that this piece of legislation is not the Basin Plan; it is separate to the Basin Plan. It is simply about adjustments to the sustainable diversion limit. Under the Water Act, potential already exists to amend the Basin Plan. As Senator
Joyce was saying earlier today, this streamlines the process. There is a very convoluted process in subdivision F of the Water Act 2007 that enables amendment of the plan.

The government initially brought to us legislation that allowed the Murray-Darling Basin Authority to require changes to the sustainable diversion limit. Quite rightly, the coalition here and in the other place realised that that was not the appropriate mechanism through which to do that. There had to be an ability for oversight by the minister and the parliament. The Murray-Darling Basin Authority could not be left to determine something of this magnitude—whether or not there was an appropriate upward or downward movement to the sustainable diversion limit. I do commend the government for agreeing that that was an appropriate change, an appropriate amendment. I think there is a much greater level of comfort out in the water community that there will be oversight by the minister and by the parliament itself.

My view is that any upward adjustment within five per cent of the sustainable diversion limit should not be utilised through buybacks. Buybacks should be precluded in any upward adjustment of the sustainable diversion limit. There are other mechanisms, through infrastructure efficiencies, where that can be gained. I would hope that through this process, under the five per cent flexibility that occurs under this bill, we can rule out buybacks being used as a mechanism to increase the sustainable diversion limit. That five per cent is potentially around 710 gigalitres of extraction. There really needs to be surety in people's minds that that is not going to occur through buybacks.

At the end of the day, this whole process—not just this bill but the broader water issue of the Murray-Darling Basin—is about people. We have seen now over many years divergence of opinion, different views on different iterations of bills and different aspects of this debate around water. But at the end of the day it is about people, and we have to remember that. Of course everybody wants a better environment for the future and everybody wants to make sure that we have a sustainable basin for the future, but that cannot be at the expense of the future of people in communities in regional Australia. That simply cannot be allowed to happen.

I live out in the Central West. We do irrigate; we have a groundwater licence. Along with that, I have spent years and years as a senator in this place going out into communities and talking to the people that this legislation—the broader legislation also—is going to affect. I think we on this side of the chamber are in absolute agreement—and I hope those on the other side of the chamber are too, although I am not so sure about the Greens—that we must take into account the social and economic impacts of removing water from communities by whatever means. There is absolutely no doubt that people look favourably upon the infrastructure efficiency improvements that lead to a reduction in water usage. Environmental works and measures that lead to a reduction in water usage are seen as sensible moves forward.

The issue of buybacks is a different kettle of fish altogether. I understand completely that in some instances benefits have been gained for people in rural communities. But, by and large, as Senator Ruston indicated earlier in her remarks—I commend Senator Ruston on her contribution tonight—so often they are not willing sellers; they are desperate sellers. They have been forced into a situation where they have no choice but to sell water. That, in essence, is a debate for another day. Today is about the sustainable
diversion limit adjustment bill we have before us.

There is no doubt that there is not a perfect outcome here. We would all like to wave a magic wand and have a perfect outcome, but life is not like that. Life is not black and white; life is grey. Around this chamber there are a whole lot of different views; indeed, out in our communities there are different views. As my good friend and colleague behind me, Senator McKenzie, would know, if you put 10 farmers in a room you will get 12 different opinions. So it is very difficult to collect the majority view and ensure that we make the best decisions we possibly can in this place when it comes to the Murray-Darling Basin. We have to weigh things up and try to make the right decision for those people we represent.

As my leader, Senator Joyce, said today, if we were not discussing the Murray-Darling Basin with the government, the Greens certainly would be. I can tell everybody out there in the regional communities of the basin that, if the Greens get what they want on the Murray-Darling Basin, they are going to be in a far, far worse position than they would be under any kind of negotiated outcome that the coalition and the government may be able to reach. This debate is on the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012, but it is difficult to talk about the bill separately from the broader Murray-Darling Basin issue. So, while I have tried not to stray from talking about the bill, I have strayed and probably will continue to stray into talking about the Murray-Darling Basin issue.

It is really important that we in this place ensure that people understand that we do not underestimate the importance of social and economic impacts on basin communities. I know I have said that already, but I cannot stress strongly enough how important it is. While debate on the Murray-Darling Basin is so often about irrigators—and I know irrigators out in the regions and have great respect for them—this bill is also about everybody else in the regional communities of the basin, because the Basin Plan has flow-on effects on the very fabric of towns, businesses and families in basin communities. That is why on this side of the chamber—and I commend Senator Joyce for his leadership as shadow water minister—we are trying to get the best and most beneficial outcome for people out in those communities. I note that Senator Hanson-Young has joined us in the chamber today. We try in this place to be mature and to look at issues in a balanced way in order to come up with the best outcomes we possibly can for people across the nation—and in particular, as far as the Nationals are concerned, for people in regional communities. Senator Hanson-Young has said recently, 'Barnaby Joyce is a danger to the river.' That is extraordinary. The Greens have every right to have their view on the Murray-Darling Basin and every right to put their view forward sensibly, but Senator Hanson-Young has said: Barnaby Joyce is hoping to make a deal with the Government that would line the pockets of big irrigators…

I just wonder who on earth Senator Hanson-Young has been speaking to. She is talking about big irrigators. I can think of three; I can also think of about 3,000 small family-farm irrigators who are not big irrigators. They have their children at the local school. One of the parents in the family is probably a teacher. The other one probably works in a business in town somewhere for another family. They contribute to the local community. They are on their school P&C. They are part of the local chamber of commerce. They contribute every time there
is a sausage sizzle at the local IGA. They are the people affected by the decisions we make in this chamber about the Murray-Darling Basin. Yet the Greens say, 'Barnaby Joyce is hoping to make a deal with the Government that would line the pockets of big irrigators,' and that shows how completely out of touch the Greens are with people in basin communities. They make that sort of media-grab comment instead of a sensible, rational contribution to the debate. It gets better. Senator Hanson-Young went on to say:
The Government has a decision to make; will it support Barnaby Joyce in his attempts to pork barrel the big irrigators upstream—
That sounds like something out of a bad novel—
or will it work with the Greens …
I like the next bit:
I will be meeting with Minister Burke over the coming days to negotiate a Plan that will support river communities …
Here is the thing: I will put five bucks on the table now to say that Senator Hanson-Young will not manage to meet with Minister Burke over the coming days to negotiate a plan. I wonder if she has asked Minister Burke if he is prepared to negotiate a plan with her. Let us sit here for a little while and wait and see. Maybe I am wrong. I am always happy to be wrong in this place, and maybe I will be wrong—maybe Senator Hanson-Young will negotiate a plan with Minister Burke that will support river communities by guaranteeing blah, blah, blah. But I suspect that she will not, because I think that the majority of people in this parliament want to get sensible outcomes for people in regional communities. Sensible outcomes are not achieved through throwaway lines; they are achieved by trying to do the right thing. At the end of the day, for us as Nationals, this bill is about making sure that people in regional communities have the best future they possibly can.
The Murray-Darling Basin Plan is a really, really difficult issue. Mark Twain once said, 'Whiskey is for drinking; water is for fighting over,' and I think he was probably right on the money. What is important in Queensland is not necessarily what is important in New South Wales, in Victoria or in South Australia. We could have a bland, blanket approach in any one of those states, and the other three would find it difficult or impossible to live with. The easy thing to do is to say, each and every one of us parochial in our own state, 'This is what we absolutely want to happen,' and stick by it, jump up and down and not deliver any kind of certainty or opportunity for the future of the basin. The hard thing to do is to try to find an outcome that we can all live with. We do not know—because we have not seen it yet—if the Basin Plan is going to deliver an outcome we can all live with. Our agreement with and support for the bill in front of us in no way indicates support for the Basin Plan, because we have not seen it yet.
As I said earlier, I commended the government for taking into account that for this adjustment bill for the sustainable diversion limits the oversight should be by the minister and the parliament, and the Murray-Darling Basin should not have the authority for the direction. I commend the government again for doing that.
What we need to see is a sensible plan from this government. There are a couple of things that I think are absolutely vital. One is the fact that, as the bottom line, we always have to include the social and economic impacts of any decisions we make around water in the Murray-Darling Basin in exactly the same way we do environmental impacts. We cannot discount that. Anything that is
going to compromise the social and economic future of regional communities—that is going to impact the social and economic fabric of those communities—should not be supported. The other thing I know is that people in regional communities have had enough of the issue of buybacks. People need to be very aware that in any sustainable diversion limit around 1,500 gigalitres have already been bought back—that is not a new figure. We have a considerable amount that has already been bought back.

In my view, we should cap buybacks. We should not have unlimited buybacks in the future. I absolutely believe that the government should consider very, very closely a cap on that buyback mechanism so that there can be some certainty in those regional communities. As Senator Ruston said so eloquently earlier, 'Why on earth have we ended up in this situation where no funding has been spent on the infrastructure efficiencies or on the works and measures which should have been done and with which people right across the board agree?' Where there can be improvements to save water, we should be making them without the impacts that buybacks have on the communities. Just look at Twynam, which was so badly mishandled by this Labor government. We on this side of the chamber will try to find the best outcome for people in regional communities right across the basin. The coalition—and the Nationals in particular—will not stand by or make any decision that will have a negative impact on the social and economic futures of regional communities. That is what we stand by.

Senator McKENZIE (Victoria) (19:47): I happily rise after the Deputy Leader of the Nationals in the Senate, Senator Fiona Nash, to speak on the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. The bill allows long-term average sustainable diversion limits to be adjusted within the Murray-Darling Basin Plan without having to invoke the formal Basin Plan adjustment process. It is important for a variety of reasons, primarily for flexibility. The bill will also establish a process of ministerial oversight for the sustainable diversion limit adjustments. It will make the limits disallowable legislative instruments so that parliament can have input and hence, through the parliament, the people. It also requires public consultation ahead of any proposed changes, ensuring community input.

I am fully supportive of a balanced Murray-Darling Basin Plan—one that seeks to provide for a healthy river without decimating local communities and industries—but I will not support a bad plan. I believe this bill improves the current Water Act by providing an alternative amendment mechanism. It is odd for us to be here tonight considering legislation that allows for changes to the Murray-Darling Basin Plan, the final version of which is as yet unreleased. It acknowledges that there is so much that is unknown in this whole process. That is something that has been reiterated to us over the last few years.

The Senate Environment and Communications Committee, of which I am a member, has conducted an inquiry into this bill over preceding weeks. I would like to take this opportunity to thank particularly Senators Birmingham, Ruston and Joyce for participating in that inquiry and for their leadership. We held hearings in Adelaide and in Canberra and heard from 30 stakeholders—environmental groups, irrigators and even a couple of state governments. Many were concerned about the rapid consultation process and the lack of transparency in relation to the final Basin Plan. They had been asked to comment on a bill which establishes a mechanism that will
affect them—up or down, either way—without having seen the final plan. But the time frame for consultation was particularly short. Consultation for this Labor government, however, is too often an afterthought. Ms Schulte from the New South Wales Irrigators Council summed it up best when she said:

For a peak body representing thousands of irrigators and water access licence holders in New South Wales, the time frame is insufficient to adequately consult with our constituency on all aspects of the proposed bills. In the absence of a finalised basin plan, as a legislative background for these bills it remains extremely difficult for us to evaluate in full the proposed amendments and provide detailed comments to the committee.

The inquiry process is a bit of a farce if our core contributors and those peak bodies which are bringing to the Senate process community concerns cannot actually perform their function because of the constraints the government has put on them through the consultation process.

Similarly, the Senate's Rural and Regional Affairs and Transport Committee, of which Senator Nash is a keen participant, in a recent interim report also stated that:

As a result the Parliament is again being asked to legislate on a matter with insufficient information.

It is legislation in the dark. The information that is lacking includes environmental watering plans and a full understanding of the plan's socioeconomic impacts on many, many regional communities throughout the basin—including those represented by Senator Hanson-Young, Senator Joyce, Senator Boswell, Senator Nash, Senator Payne and Senator Williams, who are all in the chamber tonight.

This is in perfect keeping with the haphazard way the government has gone about the Murray-Darling Basin Plan process from the start. At a million square kilometres, the sheer enormity of the physical space we are talking about is 14 per cent of our nation's land mass, whilst being home to only 10 per cent of our population. Hence we get some sort of understanding, I guess, of the political power this group of people—despite their enormous contribution to our nation socially and economically—can wield. It is understandable that so many are concerned about its future. Many more rely on the basin for food and fibre—not only here in our nation, but internationally.

What constitutes a healthy river is a complex matter that is contested amongst stakeholders. One of the areas of concern raised over and over again in this debate is what defines a healthy river. Is healthy no more dams and, with climate change upon us, years and years of constant searing droughts with absolutely no water followed by rampant flooding for years and years, as my home state of Victoria and Senator Nash's New South Wales can understand after the last couple of years? This whole process has been about drawing a line—how we draw the line; where we draw the line. It is complex, and we heard evidence to that effect throughout the inquiry.

We also heard evidence about achieving an outcome, not an amount of water—not 2,100, not 2,750, not 3,200, not 4,000, not 7,000. It is not about a number; it is about an outcome and about understanding that rivers are ecological systems and that we need targeted localised approaches to ensure the river remains healthy rather than simply pouring more water in over the total system—and when we have a healthy river we have healthy communities. The government's historic approach of non-strategic buybacks has caused social and economic detriment to basin communities, particularly in my home state of Victoria and particularly in the Goulburn Valley.
Additionally, these communities have basin reform fatigue. I attended public consultations into the Murray-Darling Basin Plan in Swan Hill, Mildura and Shepparton over two years ago—that was under the former chair—and listened to the views of country people who were passionate about the basin and had an interest in its survival. It is a vested interest—and we make no bones about that, Senator Hanson-Young—in the health of the river because it affects the interests of their businesses and their families and because it is tied up with their history. There are those who seem to be of the view that if you are not supportive of the figures being bandied about by environmentalist lobby groups—the 4,000-plus figures—then you are not someone who cares about the river or the environment. I find that offensive, and so do my communities. This assumption is blatantly untrue. It is akin to assuming that because farmers use the land they therefore abuse the land—but why would it be in their interests to destroy the very thing that brings them their wealth and their sense of identity? Country people have sustainability at their heart because they live and work off the land; they do not work against it. It just shows how little the Greens and until recently Labor have understood those who live and work on the land. Their electorates are not centred around the Murray-Darling Basin—they have no skin in this game. The Greens were nowhere—Senator Hanson-Young and Senator Waters were not in Adelaide, and they were nowhere to be seen in Canberra when it came to discussing the issues surrounding the bill. To his credit, Senator Cameron was there; the Labor Party was there. The Liberal Party was there. The Nationals were there. The Greens, big on the media release and Twitter, were not there when it counted to discover the facts and prosecute their argument in the face of the very constituents their decisions will affect.

Section 23 of the bill establishes the sustainable diversion limit adjustment mechanism. The bill allows environmental works and measures to be acknowledged as water returning to the environment of the Murray Darling Basin. Prior to this amendment only water with existing entitlements—that is, mostly irrigators' entitlements—could be contributed to the targets of the Basin Plan. The disastrous release of the previous version of the Basin Plan etched into the minds of most Australians iconic images of angry irrigators burning copies of the plan. That was in February 2011 and resulted from the water minister and the Murray-Darling Basin Authority releasing a plan that lazily relied on the water buyback that was destroying the very fabric of rural communities by removing huge amounts of its lifeblood—water.

Evidence to the Senate committee indicated that environmental groups would like that to continue. To those who are listening, I recommend our dissenting report and additional comments. Already we have seen over 1,031 gigalitres secured through buybacks, yet just 284 gigalitres has been secured or is under contract through the infrastructure program. That is taking water out of communities. This reminds me of another Labor leader from Victoria who in his last term of government committed billions to now failed water projects. They failed because of a lack of planning. Julia Gillard trained in John Brumby's office, so Victorians are not surprised.

The government has spent more than $100 million on this process to date, not to mention the substantial costs to state governments and private individuals and organisations in both time and money as a
result of their providing feedback, conducting modelling and consulting on this process of arriving at a plan. The focus has most certainly not been on the triple bottom line, which is why the amendment to be put forward by Senator Joyce on behalf of the opposition is so important. It will put the intent that the minister outlined in his second reading speech—to move away from water buybacks and towards a focus on no social and economic detriment—specifically into the legislation. It will ensure a consideration of what environmental, economic and social outcomes will mean for the basin's local communities. The adjustable mechanism is something stakeholders have been calling for for a long time, because flexibility is important. Mr Richard Anderson of the Victorian Farmers Federation Water Council outlined to the Senate's Environment and Communications Committee that it took six months of strenuous argument to convince the chair of the authority that the adjustment mechanism we are legislating for tonight was even necessary, highlighting again the importance of localism in policy development.

The five per cent up or down in section 23A(4) can have significant impacts—roughly 700 gigalitres might not sound like a lot of water, but it is equal to the entire South Australian quota. With water, seemingly small changes can have big impacts. When you are talking about taking out the key element in the productive capacity of a region, it matters. If farmers and state governments have invested in infrastructure that has meant more water has become available for the system and hence for the environment, it is only right that this be used to minimise the amount that is taken out of productive use.

Flexibility through the adjustment mechanism is important for several reasons in addition to that: the climate is variable, and we have spoken about flooding and droughts; and science and farming practice change over time, and may even result in us being able to achieve greater efficiencies either in the way we farm, in what we farm or in how we deliver water. The Australian Conservation Foundation acknowledged that they do 'not think we have reached the end of our ingenuity in how to operate the river infrastructure for irrigation purposes and potentially use less water', and I could not agree with the Australian Conservation Foundation more and I wholly support them in pursuing that. Flexibility is most important though so that, in relation to works that have already been undertaken, efficiency gains by irrigators and their communities can be accounted for appropriately. Section 23(b) of the bill establishes arrangements for public consultation ahead of any decisions on sustainable diversion adjustments. This is really welcome, but I am not overly confident about the consultation process.

In coming to the Senate I have travelled from Mildura to Albury and met with all the local governments right along the Victorian side of the Murray—the Mildura, Swan Hill, Gannawarra, Loddon, Campaspe, Moira, Indigo and Wodonga shires—and also of course with the Murray River Groups of Councils organising body. Consultation on the Murray-Darling Basin Plan has been key work for these councils for over two years, so it has been tireless advocacy by them—not to mention by the irrigator groups. Community groups, health providers, farmers' organisations and sporting clubs have all voiced their concerns for the future of their community and noted the importance of irrigated agriculture not only to their past prosperity but to their future viability. Collectively these communities have spent years preparing for the Murray-Darling Basin Plan. They have been holding their breath while they have been waiting for the
government to finalise the plan and provide them with some certainty for the future.

My colleague in the other place the member for Parkes, Mr Mark Coulton, said in his speech on this bill that his electorate has 'reform fatigue'. I can attest to this from the Victorian experience. Reform fatigue in basin communities is widespread. The constant delays have not been conducive to strong, productive communities along the river. They have told me that they need certainty for investment—an entirely reasonable request—which they can start to plan their futures and ensure the economic sustainability of their towns. The Murray Valley Winegrowers Inc. Chief Executive, Mr McKenzie, highlighted the effect this uncertainty is having on their ability to assess the plan. He said:

"From our perspective, we have always held that it would be better to do the work first rather than push on with a target which, with respect, is a political target, not a target to deliver a plan which the whole community in the basin can sign off on. That said, we are fatigued and we need certainty."

Yes, certainty for futures that have every opportunity to be bright. At the moment, the Murray-Darling Basin provides nearly 40 per cent of the nation's gross agricultural product—and in the Asian century it is key to our government's white paper issues. But access to adequate water is essential to take advantage of the market opportunities arising out of the rise of the Asian middle class. We need to allow them to develop their livelihoods and balance environmental interests while not restricting ourselves through artificial barriers and arbitrary numbers.

Finally, the same section of the bill allows for ministerial oversight of any suggested changes to the sustainable diversion limits, with the minister having discretion around accepting the authority's advice, which will then be tabled in parliament and will become a disallowable legislative instrument. I congratulate the government for working with the coalition on these very sensible amendments which actually reflect the desire of basin communities. I do understand that that does provide the opportunity for ongoing potential politicisation of the debate, but it is important for communities and for those in charge of the budgets overseeing the implementation of the Murray-Darling Basin Plan to have an input into that.

It is essential that our parliament and the minister have oversight of and input into the management of our most precious resource in this country—our water. One of the issues that were raised in the inquiry process was lack of trust in the Murray-Darling Basin Authority. Prior to this amendment being moved, the Murray-Darling Basin Authority was going to be the one in charge of setting things and amending them. I think it is fair enough to say that the people in our communities, our stakeholders, do not trust the Murray Darling Basin Authority. They have been asked by the authority to provide input over a long period of time. They have been asked for feedback. They have been asked to attend consultation processes. They have been consulted in small groups, large groups and individually. Yet they feel as though none of their contributions has actually changed any of the authority's views or shaped in any way the final plan. The Australian Dairy Industry Council went to the heart of this, saying in their submission to our committee that their view was:

… given the Murray Darling Basin Authority's history of seeking, possibly even considering, but then take little notice of advice from the States,—who constitutionally are responsible for water—

stakeholders and community.
They also said:

It is unacceptable that Parliament should amend the Water Act to facilitate an unknown adjustment mechanism on a ‘trust us’ basis.

And, the National Farmers Federation, in evidence from their CEO, Mr Matt Linnegar, said:

… it is the view of many agricultural stakeholders that the Murray Darling Basin Authority is incapable of listening and hearing community concerns... I think we have made it very abundantly clear that there is a significant lack of trust in the Murray-Darling Basin Authority. I do not think that should be a surprise to anyone.

So, while recognising this lack of trust, I welcome the government’s commitment on 30 October 2012 to change this bill to allow for appropriate and ongoing stakeholder consultation and to enable the minister to consider the recommendations made by the Murray-Darling Basin Authority and to decide on suitable actions.

In conclusion, the addition of ministerial oversight has made a welcome change, as has the change to a disallowable instrument and the inclusion of some public consultation before proposed sustainable diversion limit changes can be made. It is disappointing to be debating this bill without the final Murray-Darling Basin Plan before us. I look forward to the minister's tabling of the final version of the Murray-Darling Basin Plan and hope that our communities can soon get some certainty about their future. I hope the plan delivers for the environment without unduly affecting the economic and social fabric of regional Australia. I encourage the Greens and the government to take the opportunity to embrace the triple-bottom-line approach and support the opposition's amendment, which will be moved later by Senator Joyce on our behalf, reflecting a commitment to the ongoing economic, social and environmental wellbeing of our basin.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (20:07): I rise to contribute to the debate on the Water Amendment (Long-term Average Sustainable Diversion Limited Adjustment) Bill 2012. I want to make it perfectly clear that the Murray River will never ever again be the river it was 300 years ago. Mother Nature looked after the Murray for tens of thousands years and then, in the 19th century or earlier, man intervened and built the five barrages down at Lake Alexandrina and at Lake Albert, the locks up the river—lock 4, at Berry, and lock 5, at Renmark—and the dams upstream in the catchment. It is a wonder the Greens have not pursued a policy to tear that all down, to return the Murray to how it was for tens of thousands of years. In the days when Hume and Hovell crossed the Murray, it was a dry riverbed. Because of man’s intervention, the river has changed. I am not for one minute suggesting that we go and put it back to its natural state of 250 years ago or so. No matter what we do, the river will be different. From the front of the Renmark Hotel a couple of hundred years ago and in a drought you could walk across the river bed. Now it is 200 or 300 metres wide. The water is there because of the dams and catchments upstream. That is simply a fact.

Some absolute fool many years ago suggested that European carp be put in the River Murray. My brother was telling me that in the sixties when he would cross the river at Murray Bridge in South Australia it was a clear, blue river. Now it is a brown mud bowl because some scientist or some fool suggested we bring European carp here and put the carp in the Murray to do away with the weeds that were gathering in the river. The carp ate all the weeds out all right, feeding off the bottom of the river. Now of course the weeds and grass are not there to protect the banks of the Murray, so the banks
of the river are eroding away. What an absolutely idiotic thing to do: introduce a foreign species of fish so detrimental to our river system. The carp are all the way up the Darling now—I have travelled upstream—but luckily not into the Macintyre River at Inverell where we live because we have the Macintyre Falls and the carp cannot jump a couple of hundred feet.

If anyone thinks it is going to return to the river of old, they are wrong. It is not going to do that. So we need to manage the Murray as best we can with that triple bottom line—the environmental, social and economic impacts—as my colleague, Senator McKenzie, just said. If you go back to the old times of the Murray when the river was low, the ocean came into the river. Some say years ago you would see dolphins up towards Tailem Bend. Most of it was saltwater in a dry time. We now have the interstate argument: South Australia demands that those barrages stay there and that the Lower Lakes be pure fresh water with very little salinity in them—quite different to how Mother Nature built them. Those upstream get accused of storing water in dams. Yes, dams do store water, and that is what they are built for. But during drought times, the reason there is water in the Murray at the other end is because water has been stored at the top end and let out. The question now is: how much do you let out? It is a very controversial issue.

On behalf of New South Wales, when it comes to the buybacks New South Wales has given plenty. In fact, the previous Labor government of New South Wales had a water minister called Phil Costa. When Senator Wong was the water minister she bought water back but 97 per cent of the water buybacks came from New South Wales. In actual fact, Minister Phil Costa put a moratorium on any more sales of water licences out of New South Wales. This is the question: who pays the penalty? I agree with my colleague Senator Nash that buybacks should be capped. There was $5.3 billion budgeted for improvement in infrastructure and water efficiency—in other words, growing more food with less water. But the government did not carry out that investment. It went on a crazy buyback scheme.

One of my colleagues, Senator Nash, mentioned the Twynam Pastoral Company and the Kahlbetzer family. They sold all their water licences to Minister Wong at the time for $303 million—if my memory serves me right. Some of those rivers do not even run into the Murray. They bought water licences from one of Twynam's properties up on the Gwydir River, and that river runs out on the Gwydir Wetlands. They bought water licences from the Macquarie River but that runs out onto the Macquarie Marshes. They bought water licences out of the Lachlan River—perhaps once in 100 years, in a monster flood, some water might trickle into the Murrumbidgee but 99 per cent of the time nothing gets through the Lachlan. The government spent $303 million to buy water back to increase the flows in the Murray and half of those licences are for rivers that do not even run into the Murray. What a great investment of taxpayer's money that was. Of course, I am being sarcastic. That is the stupidity of this.

I would like to commend our shadow minister and my leader in the Senate, Senator Barnaby Joyce. The Greens get it their way, working with a gun at the head of the government. We know how the Greens operate: they shut down all industry, shut down all food supply and get a scientist to design a digestive system so man can consume trees only, because we are not allowed to grow food. 'Go back and live in the caves and we will give you three sticks a
week to maintain your food and warmth’—that is basically the Greens' policy.

Senator Payne: Only three?

Senator WILLIAMS: Yes, only three, Senator Payne, and that might be excessive as well. At the same time, they are destroying our environment with the crazy policies of locking up country and leaving it uncontrolled.

This is going to be a terrible summer for fires. We have had a few wet springs. The fuel levels have increased enormously. I hope I am wrong but I said the red gum forests down in the Millewa State Forest near Deniliquin will not stand fire. You will see the Greens policy at work there with the National Parks Association and with a gun at Mr Frank Sartor's head—the former minister in New South Wales—locking it up for Green votes. You watch it get destroyed.

I have been down there. There is 900 hectares there now and it is just dead trees; it was burnt. The country was grazed with cattle when the forestry owned it, but of course now that it is national park you cannot graze on it.

When the new Victorian government put cattle up into the high country, in the alpine region, to lower fuel levels, the Greens said, 'No, take them out'. Minister Burke said: 'No, get them out of there. Don't control your environment.' When it comes to fire there are three things that destroy the environment: fuel, wind and heat. We cannot control the heat and we cannot control the wind, but we can control the fuel. But the Greens policy is to just lock it up and leave it and then let Mother Nature destroy it. That is why they are so damaging to our environment. And it will be no different with the Murray. They will just say, 'Let's all stand around the Lower Lakes and hold hands and be happy while all the water runs out to sea, and to hell with those people upstream who grow 40 per cent of our nation's food.'

In the Murray-Darling Basin, where one-seventh of our nation lives, there are local economies who rely on and work so hard to produce food for either domestic or export markets. They are feeding people around the world. I say this: desperate people do desperate things. If you want to see trouble on this planet, have people starving. Those desperate people will do desperate things. The thing we need to do in this nation is not only feed all Australians well but also feed the millions and millions of people on this planet who are going to rely on Australia for food. If we go down the road of the Greens party, we will have billions of people literally starving as we all watch Mother Nature destroy our environment with fire. As I said, this summer is going to be a dangerous fire season and we will learn a lesson about the Greens' lock-it-up-and-leave-it attitude to national parks—very much supported by former Premier of New South Wales Mr Bob Carr—now Senator Bob Carr I might add—when he said he was going to have the greenest government New South Wales had ever seen. That title might change by the time this ICAC investigation has finished.

Mr Deputy President, 1,500 gigs have been bought back. The infrastructure spending has not been invested; the efficiencies have not been made. This bill amends the Water Act to allow the adjustment of the long-term sustainable conversion limits under the Murray-Darling Basin Plan. It is meant to provide transparency for all stakeholders. We will not support changes from the government based on trust. They must be subjected to proper scrutiny because we support the future of the 2.1 million people who live in the Basin. I will quote Senator Doug Cameron again. He was in the media this
morning saying how the people of Western Sydney do not trust the Australian Labor Party—this government. I agree with him totally. We do not trust them to manage our rivers. We do not trust them to manage our money. We do not trust them to secure our borders. That is why we have had to be involved in this. The government have an abysmal track record on the Murray-Darling Basin. All they have managed to do is get everyone offside with their boots and all tactics, upsetting those communities that depend on the basin and its infrastructure for their survival.

The coalition has been unrelenting in its pursuit of a fair outcome for the 2.1 million people who live in the Murray-Darling Basin. The coalition put the Murray-Darling Basin Plan on the path to national management in 2007. We started the process of fixing the Murray-Darling and we remain committed to doing exactly that. I remember when the first Murray-Darling Basin draft plan was released and community meetings were held across the three states. I attended one of those meetings in Goondiwindi in southern Queensland and the anger was at fever pitch. There was a cross-section of farmers, rural contractors, business people and representatives of community groups, and they believed their livelihoods were about to be pulled from under them. The fact is that the many of us who live in regional Australia understand regional Australia. The Greens make out they understand regional Australia, but they are fly-in fly-out politicians. I do not think any of them live in rural Australia, but they do fly-in fly-out and grab a bit of press. I noticed in some press clippings that Senator Hanson-Young was saying Senator Barnaby Joyce was uninterested in the irrigators upstream, that he does not care about South Australia. That is wrong. Senator Joyce has done an outstanding job playing the balancing act to getting this fair and right for those three pitched bottom lines. It is not only the environment; it is also the social ramifications and the economic effects on those communities that is the most important thing.

As I said, the Murray-Darling Basin produces 40 per cent of Australia's agricultural output, over 90 per cent of our tomatoes and almost 50 per cent of our fruit. It is Australia's fruit bowl and worth millions and millions of dollars to our economy. I do hope this comes out well. It has got to be a balance, as I have said. It is not only about the environment; there are two other factors to take into consideration.

I have lived in rural Australia all my life. I have seen those who work so hard. I have seen the Riverland of South Australia. I have seen them up there pulling out the fruit trees and going into grapevines; I have seen them pulling out the grapevines and going back into fruit trees. I went to school in Adelaide with people from Loxton, Renmark and Berry who came from those fruit-growing properties, who worked hard as youngsters whenever they went home for school holidays, whose parents were battlers—many of them migrants who came to this nation after the Second World War with basically nothing. We know what they were like, the immigrants—the Italian immigrants and the Greek immigrants. Many of those Italian immigrants came here as prisoners of war. After the war the nation said: 'Okay, war's over. Pack up and home you go.' And they said: 'We're not going home. This is our home. We'll stay in this country.' They grew to love Australia; they helped to grow our nation. As I said, they did not have anything, but what they did have was a will to work. And if those opposite think that on this side of the parliament it is acceptable to now go and shut down their livelihoods so that people can stand at the Lower Lakes and
watch water ran out into the ocean, then they are wrong. That is simply wrong and it will not happen. There must be a balance.

I grew up in South Australia. I know the state well. There is probably not a town I did not go to when I was driving semitrailers delivering livestock. There is probably not a country town in the state that did not have someone go to boarding school with me in Adelaide.

I realise that South Australia is the driest state in the driest nation and they need to be protected as well. That is why everyone has got to work together on this. But if we leave it to the Greens, the guillotine will drop and there will be no fair triple bottom line; it will be all-out chest beating for the environment while our local economies go down the tube.

In winding up I would like to once again thank Senator Joyce for working with Minister Burke, for being involved in the whole debate and putting up proposals. I commend him for his hard work in putting the future of everyone in the Murray-Darling Basin, not just the extreme environmentalists, first and I look forward to his amendments, where some common sense can be brought into this whole Murray-Darling Basin Plan. Hopefully we will be blessed with more good seasons, because the drought from 2002 to 2010 did not help one bit. Some said it was climate change. It is funny: we had a drought from 1895 to 1907, a 12-year drought—I suppose that was climate change then as well! Many were saying that the dams would never fill again. Tim Flannery was one: 'Brisbane dam—Wivenhoe. That won't fill.' It filled all right. It overflowed that fast it caused extensive damage for the people of Brisbane and the local communities there. I noticed Minister Penny Wong said that we must get more water down the Murray, but she was quick to sign off with Melbourne for a north-south pipeline to take water out of the Murray. So there is a lot of irony in this whole plan.

That is why I think, now that Senator Joyce has been involved in these discussions with Minister Burke, a fair framework and a fair policy can be developed. Hopefully it is a long, long time before we again see an eight- or 10-year drought, which put so much stress on the whole Murray system. As I said, the last one was 1895 to 1907. Let us hope that the 2002 to 2010 drought does not return for many, many decades ahead. We know we will get droughts again. We know we can manage the environment to the best of our ability.

As I said at the start of this presentation, the Murray will never be the river it used to be, because we have intervened with it, we have interfered with it, we have built structures in it. Not even the Greens are proposing to pull those structures down, which is quite surprising, because if they did they would not have that freshwater down the end of the Murray—and, of course, Senator Hanson-Young would not have the votes come next election. That is what is behind all that. Normally the Greens would say: 'Put it back to Mother Nature. Let's let Mother Nature look after it.' But they are counting on votes in the next election. That is why the Greens have done a backflip.

Senator WRIGHT (South Australia) (20:25): I rise to speak on the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. As someone who was born on the banks of the Murray—in Red Cliffs, Victoria—and spent my childhood there, this is a very important river to me. I am thinking it must be quite comforting to be a member of The Nationals: to be able to pretend that life can go on as it always has; that things like climate change are a fantasy; that we do not have the environmental challenges that
we face this century on a very small, fragile planet, with a population of seven billion and growing; and that the industrial activity that the human species has engaged in, with increasing effect on our environment over the last several hundred years, has had no effect. Because then we could tell the people who vote for us: 'Don't worry, nothing needs to change. Business as usual can go on. We'll have droughts occasionally but we'll get through those. The mental health effects that we saw from the most recent drought, long lasting as they are, we will get through. It's fine. Don't worry. Nothing needs to change.' Unfortunately, being a Green and being unable to turn my face away from the science that we are hearing increasingly every day about the reality of the challenges we face this century means that I cannot live in that lovely fantasy land and I have to have the courage to face up to the challenges that we face this century and make decisions in the national interest.

I want to put this bill in some context. Here we are being asked to agree to legislation which will allow the total Murray-Darling Basin extraction limits to be adjusted up or down by a factor of five per cent. The future health of the Murray-Darling Basin absolutely relies, like never before, on the amount of water which is extracted from the river system—or, rather, the amount which is allowed to remain in it after years of overallocation. That is the effect of this bill. And yet we have no clear commitment as to the criteria which is to be applied when making such a crucial adjustment decision. We are being asked to vote here on a mechanism to adjust a plan but we have no definitive plan. So we are being asked to make this extremely important decision on faith—as if we can have faith in a process which has demonstrated almost no good faith up to now.

Let me say why. We do not yet have the final Murray-Darling Basin Plan, so this is a mechanism to allow adjustment to a plan we do not yet have. Yet what we do know is that, if we are serious about finally coming to a position where the future sustainability of the Murray-Darling Basin and the communities and peoples that rely upon it is to be guaranteed, the foreshadowed plan is grossly inadequate. It is understood that the Murray-Darling Basin Plan proposes to start with a figure of 2,750 gigalitres of water being returned to the river system. We know that the science provided by credible and independent scientists—the Wentworth Group of Concerned Scientists, the Goyder Institute and the Australian Wetlands and Rivers Centre, among others—all tells us that 2,750 gigalitres is not enough, particularly in the dry times that are inevitably coming. The science tells us that we need at least 4,000 gigalitres to have a strong chance of ensuring the health of the Murray-Darling Basin into the future for people. Despite this, we know that the Murray-Darling Basin Authority only modelled water recovery above 2,800 gigalitres a year at the last minute, and this was incomplete modelling of 3,200 gigalitres using relaxed and inadequate constraints. We know that the Murray-Darling Basin Plan does not demonstrate that 2,750 gigalitres is sufficient to flush the system—a system where two million tonnes of salt travel down in an average year.

The plan does not establish that there will be a sufficient volume to keep the mouth of the Murray open without dredging, which is necessary not only to ensure the health of the river but also to ensure that the precious Coorong and Lakes Alexandrina and Albert—highly significant, internationally recognised Ramsar sites—are sustained. This plan increases groundwater extraction by 1,700 gigalitres, without any caution against
connectivity with surface water or knowledge about recharge rates and how those might impact groundwater dependent ecologies in the long term. We are, I fear, about to repeat the same mistake we made with surface water overallocation 100 years ago, and continuing. Perhaps most alarmingly and inexplicably, given what we know now, it does not include any modelling for climate change. It merely refers to 'climate change knowledge' as a matter for adaptive management in the future. Yet we know that there are predictions that rainfall in the Murray-Darling Basin will decrease by up to 60 per cent by the end of the century due to climate change.

Basically, what we do know is that the foreshadowed Murray-Darling Basin Plan has not been designed to achieve the hydrological and environmental targets that would return the Murray-Darling Basin to health based on the best available science. The best available science is, in the end, all we have between us and the risk of ecosystem failure and a dying river system. Let us not be mistaken: a dying river system will affect all of us, not just the non-human species that rely on it. It includes all those communities who rely on the Murray and its tributaries and wetlands for their agricultural, social and economic wellbeing. So we have a manifestly inadequate plan, with a starting point of 2,750 gigalitres. An adjustment of five per cent up or down would take the upper limit to about 3,200 gigalitres—still not sufficient according to the scientific evidence—but even that is not guaranteed. It could drop to as low as 2,100 gigalitres, which would be disastrous. We are being asked to agree to this.

Finally, in any event, this process does not recover the extent of this water for the environment until 2024—four federal governments away. What we do know is that, in the end, this is not a scientific plan; it is a political plan. It is a plan designed to appease many interests, and so, sadly, it replicates the history of decision making and exploitation that we have seen in relation to the Murray-Darling Basin for many, many decades. It is business as usual. This arrangement, with an inadequate starting point in the plan and then a plus or minus five per cent sustainable diversion limit adjustment mechanism, does not guarantee that additional water will be provided when necessary to meet the needs of the river, which, in the end—let us not be mistaken—are the needs of the people and the communities, us, which rely on the river. This is not a matter of people versus the environment, because we see now, this century, increasingly clearly that we are of and in the environment.

I turn now to the South Australian position, because as a South Australian senator I am particularly troubled by this proposed scheme—the plan and the bill that we are being asked to decide on tonight. The consequences for a badly managed Murray-Darling Basin are particularly acute for my state, and yet South Australian irrigators are some of the most efficient in the country. With some prescience, South Australia’s extraction caps started in 1969. But in the Millennium drought only 18 per cent of water allocation was available to South Australia. Now only 10 per cent of rainfall makes it down to the Murray Mouth and Lower Lakes. It used to be 99 per cent.

Under the draft plan, South Australia is expected to return 101 gigalitres—that is 20 per cent of South Australian irrigators' current diversion limit. We know that under the draft plan dredging of the Murray Mouth will still be required in dry conditions. In the Millennium drought, dredging cost South Australia $790 million. It costs $100,000 per week to dredge the Murray Mouth, which the environment can do for free, if we allow it
to. For the last year and a half, the quantity of water flowing over the barrages has been actually above what we will get with a limit of 2,750 gigalitres. That is still not enough as the area remains drought affected. But if we cannot deliver what we need in above average years, how do we possibly deliver it under the draft plan? Mid to high South Australian flood plains will receive little or no extra water, which will mean high salinity and further degradation of environments. In drier periods, salt will accumulate at the Murray Mouth. We have no certainty in the draft plan that in the dry years the two million tonnes of salt will be flushed out of the system. Again, that will affect the whole river system. We also know that dry periods are getting longer. South Australia used to have high-flow events four in 10 years. Now it is only one in 10 years. This augurs badly for the entire health of the basin, not just those of us in South Australia. This arrangement sells out not only the interests of South Australia but all those who ultimately depend on the long-term survival of the Murray-Darling Basin.

This process of determining the amount of water that must be returned to the river represents a missed opportunity to grapple with a legacy of the short-term, political decision making that has so dogged the history of the Murray-Darling Basin. In the past, this may have been understandable and perhaps even forgivable, although there have been voices warning of the effects of over-allocation since the 1920s. But there is no longer any excuse for bad decisions. I and my colleagues in this chamber and in the other place are members of one of the best resourced parliaments in the world. We have access to the most reliable, up-to-date, comprehensive information and advice available to anyone anywhere. We have the excellent resources and research capacity of the Parliamentary Library. We have advisers, lobbyists and stakeholders who are generous with their learning and ideas. We have information at the click of a mouse or the dial of a phone. So we have absolutely no excuse for ignorance when it comes to making decisions which will affect our very ability to survive into the future. To their shame, the government and the opposition are insistent on passing this legislation, and history will judge them poorly.

The environment, which we rely on for our ultimate survival, is in the end non-negotiable. So my colleague Senator Sarah Hanson-Young will be moving Australian Greens amendments in an attempt to ameliorate the worst aspects of this legislation. We will be seeking to ensure that the proposed limit of an additional five per cent for the water recovery target may be increased if there are environmental reasons to do so. In so doing we are attempting to remedy the clear omissions in the plan to take account of the likely and unexamined effects of climate change and the use of groundwater. As we know, the figure of 2,750 gigalitres is manifestly inadequate, so our amendments are also designed to prevent an adjustment of five per cent downward to set an even lower figure of 2,100 gigalitres.

In relation to groundwater extraction we will ensure that any proposed extraction from now on must be properly modelled and assessed with consideration of its connection with surface water recharge rates and its impact on those plants and ecologies that rely on it. If the proposed extraction will have the effect of reducing surface water, the Commonwealth will be required to buy back the equivalent amount.

My colleague Senator Hanson-Young will be moving amendments designed to apply proper scrutiny to decisions by the minister to adopt adjustments, including how the new target will reflect the environmentally
sustainable level of allocation and how Australia's Ramsar convention obligations will be upheld. The minister will be required to demonstrate that the environmental outcomes that were met under the 3,200-gigalitre modelling continue to be met or are improved. The amendments will also maintain a number of targets for the Murray mouth and Lower Lakes, including salinity levels, barrage flows and the Murray mouth remaining open.

Finally, in considering this legislation I am very conscious that I have been entrusted with a role that very few Australians will ever experience: participation in the parliament and the governance of this nation, to represent the people of South Australia and, more broadly, to consider and make decisions in the national interest. Being a Greens senator, I also look to the future and consider not only the short term—my generation and those of us who are alive today—but also the children of our children and their children in turn, those Australians who will come after us. This role brings with it a huge sense of responsibility. We face pressing and frightening challenges this century, and I am sure other politicians have stood here and thought that too, but every day now we are reminded of the environmental crunch points that are coming unless we act now and swiftly to change the habits of a lifetime, to understand and live within the environmental constraints of a small planet which is now home to seven billion people. No amount of jeering, scepticism or ridicule can change this fact. The vast majority of scientists around the world are warning us, and we must be prepared to face up to this courageously and make the decisions that we need to make while we have the opportunity to do so.

Just yesterday, for instance, we were reminded of the pressing crisis we face from climate change as a nation and a planet. The World Bank's report *Turn down the heat: why a 4°C warmer world must be avoided* showed us that we are on course for four degrees of warming by the end of this century, that it could occur as soon as 2060 with accompanying disastrous effects and that our current action is not enough to keep us below two degrees. The choice before us about how we will manage the wonderful resources of the Murray-Darling Basin is one more important example of this challenge. We must not shy away from it.

What will Australians of the future and the not-too-distant future make of our decisions within this parliament? It is within our hands.

**Senator XENOPHON** (South Australia) (20:41): In my first speech in this place, just over four years ago, I spoke about the great Murray-Darling River system. I said that the irrigators need help and the environment needs protecting and that this issue should not be about state against state, region against region or irrigator against environmentalist. With one river system there should be one set of rules to run the rivers in the national interest. Governments should not give in to temptation to play divide and rule as the river dies—and it was dying back then because we were in the grip of a severe drought. It was Mark Twain who likened the River Murray to America's great river, the Mississippi, but commentators said:

Were Twain to see the Murray River today it is unlikely he would repeat the comparison, for the Murray and its sibling the Darling are dying, strangled by a combination of political apathy, cowardice and stupidity.

Fortunately, a lot has changed since then. We have had some good rains in the system from the top to the bottom. That much-needed rain has ensured that salinity has been flushed out of the system. I agree with Professor Mike Young, one of this country's great experts on
water, who says that great river systems die from the mouth up and that is why it is important for the entire river system, from Queensland into New South Wales, Victoria, the ACT and South Australia, that the river system is kept healthy. That is why it should not be a contest between one group or another. It must be first and foremost in the national interest. To have a healthy river system means that the communities that rely on the river for food production can prosper.

Tonight we have the Water Amendment (Long-term Average Sustainable Diversion Limit Adjustment) Bill 2012. This bill will amend the Water Act to allow the long-term average sustainable diversion limit laid down in the basin plan to be adjusted without having to go through the formal basin plan process, and that makes good sense. Under the bill, in order to adjust the SDL, the Murray-Darling Basin Authority must prepare a notice to the Minister for Sustainability, Environment, Water, Population and Communities. The authority must also prepare a relevant amendment to the basin plan that reflects the proposed adjustments. After this information is provided to the minister, he or she can make a discretionary decision on whether or not to adopt the amendment proposed by the authority.

As I understand it the bill also provides that such amendments to the basin plan are disallowable instruments. This was not always the case. However, I welcome the recent amendment to this bill in the House of Representatives that will allow for parliamentary scrutiny over such changes. Such scrutiny is essential; such scrutiny is appropriate.

A number of conditions will be opposed on adjustments to the SDL. Firstly, the authority must seek advice from the Basin Officials Committee, which comprises officials from all the basin states and a Commonwealth representative before proposing any adjustment to the SDL. The authority must invite public submissions on any proposed adjustment, and the SDL must of course still reflect an environmentally sustainable level of take as suggested under section 23 of the Water Act. Critically, the adjustment to the total basin SDL must be no more than five per cent either way.

The inclusion of an SDL adjustment mechanism as laid out in this bill has been sought by all basin governments. I think we can all agree that getting state governments to agree on anything when it comes to protecting this vital resource is very rare, but in this particular case it is a good thing.

Furthermore, recent amendments to the bill requiring public consultation provide an extra level of transparency and scrutiny that has often been overlooked or completely botched throughout this entire process. I say 'completely botched' in this context: I recall very well attending a public meeting in Renmark in the Riverland of South Australia back in October 2010 when the guide to the draft Basin Plan was released. I remember a venue bursting at the seams and a PA system that was not working. So many people attended that it had to be split into two rooms. It was an absolute nightmare. The authority ended up holding two sessions at the same time but in different rooms, with the chair and other representatives running backwards and forwards between them. I am not sure how it helped all those stuck out in the street, who could not participate or be part of the meeting. It was completely unsatisfactory. When I told the then chair that I could have given him a much better deal at the Greek hall down the road maybe he was not so amused. But in the end, the subsequent meeting a few months later was held in the Greek hall down the road in Renmark. It could take all the people...
interested in that meeting, and it was a much better-run meeting.

While I support the broad objectives of this bill at this stage, I also flag my intention to propose a number of amendments to it because they are crucial for issues of equity and fairness in the way that this plan will work. I again go back to the first round of community consultation sessions when the guide to the basin plan was released. Irrigators in the Riverland, many of whom had capped their water diversions in the late 1960s and invested in irrigation efficiency measures, out of their own pockets to a large degree, were understandably furious. Nowhere in the guide to the plan had they been recognised for their past efficiencies. It had not been recognised that because they were so efficient they had less to give back to the environment. And it had not been recognised that because they were so efficient it was virtually impossible for them to be part of the $5.8 billion infrastructure fund that was established by the Howard government and then continued by the Rudd and Gillard governments. So there was a real issue there of equity and fairness. It is almost as though a student who does their homework early and hands it in gets penalised for doing their work on time and for doing it well because they did it before anyone else.

The guide to the plan dropped on many like a tonne of bricks. Wide-ranging figures were presented without any justification or meaningful prior consultation, yet answers from the authority were not then forthcoming. There were a few figures in the guide that justified their concerns.

At a Mildura hearing of the Rural and Regional Affairs and Transport Committee into the management of the Murray-Darling Basin system in April this year, chaired by Senator Bill Heffernan, Chris Byrne, the executive officer of the Riverland Winegrape Growers Association said this:

When the guide was released, it reinforced our belief that what we thought about ourselves was correct. Page 95 of the guide makes it quite clear that the average gross value of irrigated agricultural production in our region was a staggering $9,176 per hectare. That compares with what I would rate as a fairly ordinary $3,295 per hectare as the basin average. It reinforced our belief that, yes, we are already a very water use efficient region.

The whole process has rubbed salt in the wounds of many irrigators, who had also applied for water efficiency grants—most notably the Sustainable Rural Water Use and Infrastructure program—but who were deemed too efficient to qualify, as I have indicated.

The criteria of such programs have been geared largely towards open channel systems—and I understand that—but that does not help those with modern pipeline delivery systems such as those in the Riverland. The most recent works done occurred back in 2002. It has been 10 years since the last lot of infrastructure improvements in the Riverland, which basically meant state-of-the-art irrigation infrastructure systems in place. Worse still, those who have been able to access the funding for water efficiency upgrades also got to keep half the water they saved compared with those under the $5.8 billion plan fund. In a sense, that skews the market against many in South Australia.

Subsequent versions of the plan did not address the key issue of equity either. At no time has there been a level playing field. As Gavin McMahon, chair of the Central Irrigation Trust in South Australia, argued at the hearing in Mildura:

… have all the water recovery processes been thoroughly investigated everywhere up and down the river? Have we looked at all stretches of the
river to see exactly what savings can be made across the whole system? Are they taken into account in the process, and how are they taken into account in the process?

I think we can safely say that, no, they have not.

We did hear some very good evidence, including from Mike McKenzie, both recently in Adelaide and back in Mildura in April. He suggested that for grape growers in the Sunraysia area there are ways to improve with local knowledge of water-saving measures. That involves local knowledge from farmers, from communities and from environmentalists, working together. That is something we need to take heed of; that there are smart ways to save water where we can listen to the local knowledge.

I agree with experts such as Professor Mike Young, who makes the point that the best way to get those water-saving measures and the best way to maximise the benefit to the environment and to communities is to listen to local knowledge; not to have it managed by bureaucrats in Canberra, but to actually have some real local input from farmers, from environmentalists and from communities working together. I will be proposing amendments to this legislation to ensure that when the authority proposes changes to the SDL it must consider the efficiency of that area prior to 2007 when the Water Act was introduced. The authority must also consider the efficiency of the area when creating the SDLs.

I have at times been criticised by my colleagues from the eastern states for putting parochial interests above the national interest. I think it is fair to say that it is an argument I do not want to get started on here today, but I believe that I have worked cooperatively with all my colleagues and whatever differences I have had with, for instance, Senator Barnaby Joyce in relation to this, I believe he has approached this issue in good faith, that he understands the issues of equity, as do my colleagues from the government in relation to this, and as do, of course, my colleagues on the crossbenches, the Australian Greens and the DLP.

The amendments I am proposing do not preference the Riverland. They do not even preference South Australia. They do preference, in a sense, the national interest to ensure that there is some equity and a level playing field when determining this. They make sure that those who have been historically most efficient with their use of this vital resource, or those who have little left to return to the environment without placing undue social and economic stress on that area, are not disproportionately affected by any adjustment to the SDL, no matter how small.

These amendments also mean a better outcome for the basin, because they will encourage the authority to make SDL cuts where there is fat to trim, and so the overall efficiency of the basin will be improved. This argument is not about geography. It is about equity, and about giving acknowledgement where it is due. We just need a plan that is fair, and I believe these amendments will go some way to achieving that. If the government and the opposition are not inclined to support these amendments, I ask them genuinely and in good faith to explain what alternative mechanism there will be to ensure some equity, because irrigators and environmentalists I have asked questions of in the numerous Senate committees I have been part of in relation to the Murray-Darling Basin all agree that prior good behaviour ought to be the subject of some acknowledgement in any plan.

We cannot go back and right the wrongs that have occurred since Federation, but we can act now to ensure that those downstream
are not disadvantaged by the implementation of the plan. We can act now to ensure the environment is protected for our future generations and for the communities that rely on the river for their livelihood and that the millions of Australians that rely on the Murray-Darling Basin for their food are also protected. Early adopters must be able to access money for research and development and the authority must consider a buyback approach that does not distort the water and commodity markets. I concede that the federal parliament would not be in such a bind if state governments had not put their own interests first and continued to suck more water from the system than it could handle, and also the way the system itself was managed. But for me, it is about doing what is fair for irrigators and right for the environment. This does not have to be about state versus state, region versus region or irrigator versus environmentalist.

I was elected to this place as an Independent on a commitment to fight for the River Murray. I have not forgotten those in the Riverland in South Australia who gave up their time to put me in this place. I have not forgotten those in the Lower Lakes in the lower reaches of the Murray who, too, gave up their time and who have supported me. Now more than ever, those communities need us as parliamentarians to stand up for them. Our irrigators need help and our environment needs protecting. We need a plan that is fair and that is why I will be proposing amendments to this bill. I think that it is fair to say we are reaching a historic juncture where we can say that the river system will at least have a plan and, as imperfect as it is, it will still be a plan that will make a difference for the river system, for communities and, ultimately, for the environment, because without a healthy environment we cannot have a healthy river, and without a healthy river those communities cannot prosper as they should.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (20:56): I thank all the senators who have made a contribution to the Water Amendment (Long-term Average Sustainable Diversion Limited Adjustment) Bill 2012. It is a significant reform to the Water Act. The bill has now passed the House of Representatives and, as time is short this evening, can I just point out that the government welcomes the report from the Senate Standing Committee on the Environment and Communications on the bill and the work that the various senators have played in bringing this bill to the Senate this evening. I commend the bill to the Senate.

The ACTING DEPUTY PRESIDENT (Senator Pratt) (20:57): The question is that this bill be now read a second time

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator XENOPHON (South Australia) (20:57): by leave—I move amendments (1) and (2) on sheet 7317 standing in my name:

(1) Schedule 1, page 4 (after line 4), after item 7, insert:

7A After subsection 22(2)

(2A) In setting a long-term average sustainable diversion limit in relation to a water resource plan area for the purposes of item 6 of the table in subsection (1), the Authority must consider the water efficiency of relevant infrastructure in the water resource plan area before 2007.

(2) Schedule 1, item 10, page 6 (after line 8), after paragraph 23A(2)(b), insert:

(ba) a requirement for the Authority not to propose an adjustment under paragraph (1)(a) in relation to a particular water resource plan area,
or an adjustment under paragraph (1)(b) as a result of that adjustment, without considering the water efficiency of relevant infrastructure in the water resource plan area before 2007; and

I have just spoken in relation to this matter so I will just specify what these amendments are about. The first amendment amends the Water Act 2007 to insert a new requirement into section 22. This new requirement provides that when setting sustainable diversion limits for water resource plan areas under the bill, the authority must consider the water efficiency of relevant infrastructure in that area before 2007. The intention of this amendment is to ensure that the relevant water efficiencies for each area in the basin are taken into account when the authority creates SDLs.

There are areas of the basin that have spent many years increasing their own water efficiency before the grants in recent years—that $5.8 billion fund—so that irrigators could make the most out of their decreasing water entitlements. As a result, these areas are already so water-efficient that there is quite literally not a drop to spare. They are not able to take advantage of the current government infrastructure funds as they are already too efficient under the current guidelines and criteria. This amendment reinforces the idea that the most practical and sustainable way to maximise returns to the basin is to focus on areas where efficiencies can be increased and, in turn, less water taken from the basin.

The amendment also looks at the efficiency of the area before 2007, which marked the start of significant government grants to improve efficiency in other areas. This cut-off date will ensure that the areas with a long history of efficiency are recognised, whether they are in South Australia, New South Wales, Victoria or Queensland.

The second amendment seeks to amend that part of the bill that relates to considering the water efficiency of relevant infrastructure in a particular water resource plan area when proposing an adjustment to an SDL. So the rationale behind this amendment is the same as the rationale for the original amendment, although this relates in a sense prospectively to an SDL. Again, the aim of this amendment is to ensure that SDL adjustments are made where there are efficiencies to be gained rather than in areas that are already operating at maximum efficiency.

This amendment also looks at the efficiency of the area before 2007 to, again, address the issue of government grants to improve efficiency that were announced at that time as part of the Howard government's plan for the Murray-Darling Basin. These efficiencies must be recognised so that adjustments to the SDLs can be made where those adjustments can be achieved so that areas already operating at peak efficiency are not penalised under the SDL system.

Currently, the premise of the Basin Plan seems to be that all areas are equally inefficient and that the entire system can be improved. This is clearly not correct, and continuing on this path will mean that many irrigators who have simply tried to do the right thing and survive with what water allocations they have will be penalised. The authority and its associated legislation must recognise the varying efficiencies in the basin and what this means for the real application of theories, such as the SDLs. If they do not, then that means that the plan will be skewed against those who have done the right thing in the past. When I asked the authority about this issue during Senate estimates, they glibly said, 'Every area says they are water efficient.' Well, this allows them to consider that in a way that is robust, independent and, in a sense, auditable. It is
important that there be a system to consider this. These amendments require consideration of prior water efficiency methods, and I commend these amendments to my colleagues.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:02): The government does acknowledge the work of Senator Xenophon in this area. Unfortunately, we have not found favour with the amendments in part for a couple of the reasons he described himself. The government, however, does believe it is already achieving the intent of these amendments through proposing that the downstream component of the sustainable diversion limit in the basin plan be apportioned between the states. This approach was outlined in Minister Burke's suggestion to the Murray-Darling Basin Authority on 1 November 2012.

The government has announced funding for two major new programs in South Australia. There is a funding program of $180 million for the River Murray improvement program to help improve irrigation efficiency in South Australia and yield 36 gigalitres of savings towards bridging the gap. The second is a further $85 million for the industry futures and regional development research program in South Australia, which is commonly known as SA industry futures, to support industry development and structural adjustment activities in SA Murray.

The government wants to deliver certainty for the environment, communities and irrigators in the Murray-Darling Basin and is seeking to progress the bill without change to deliver that certainty. For those reasons, the government will not be supporting the amendments moved by Senator Xenophon.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (21:04): With due respect for the work of Senator Xenophon in understanding the issues that he brings to light, it is our belief that in the competencies for some of these assessments being placed on the MDBA that the government should certainly consider the water efficiency of various infrastructure before making decisions on water resource plans, but this was not the intended role of the MDBA. The MDBA has been tasked with establishing how much water is needed for the environment, not how the water is to be recovered. The government department and the appropriate bodies have the information about the efficiency of water infrastructure in different parts of the Basin and it should be left to them to inform these decisions.

We lobbied and negotiated to have ministerial discretion placed back in this bill—and we attained that. As such, it gives us greater confidence about how some of the issues that Senator Xenophon brought to our attention will be addressed. We also note the investments that will be made by the plan in its current form in bridging the gap. We think that greater attention should be applied to making sure that that money is efficiently spent. We have had discussions thus far—brought up by my colleague Senator Birmingham—about the money that seems to be disappearing out of the funds towards administration and not actually delivering outcomes, further loading up the MDBA with assessments. Once more, with an understanding of Senator Xenophon’s role—and we respect that role—the coalition, in this instance, will not be supporting these amendments.

Senator HANSON-YOUNG (South Australia) (21:06): I rise to offer my support for the amendments put forward by Senator Xenophon. The points made around the
previous work that has been done in South Australia are really important. Ensuring that we can have that understanding, for all the arguments outlined by Senator Xenophon about the previous level of water efficiency, is absolutely crucial. The Greens will be supporting Senator Xenophon's amendments.

Senator XENOPHON (South Australia) (21:07): The minister mentioned the $180 million program and another $85 million to support industry development for South Australia. I think this is part of the Water Industry Alliance project and I commend the work of those in the Water Industry Alliance—people such as Gavin McMahon, Ben Haslett and, I dare say, Chris Byrne and many others—who worked very hard on this. My question to the minister is: have the criteria for that program been determined yet? There is a real fear that they will not be fair criteria, that South Australians will have the same problems they have had previously because of the high levels of efficiency they have already achieved. My second question is: what does this actually mean in the scope of the recovery sought from the southern connected basin? From memory, it is in the order of 971 gigalitres, and I will be corrected by the minister if that is wrong. Will some of that be sought in addition to the 36 gigalitres that Minister Ludwig has referred to?

In summary, the issues are: what are the criteria for this $180 million fund and, indeed, for the further $85 million? Have they been finalised at this stage or, if not, when will they be finalised? What consultation will there be? And in relation to further cuts in South Australia, I note that in some areas such as the Central Irrigation Trust their efficiency levels are at 97 or 99 per cent in terms of water delivery and water efficiency measures. Will South Australians be subject to further cuts to achieve that 971-gigalitre target? Those are the fundamental issues I have in relation to this. I would also like to acknowledge and thank Senator Hanson-Young and the Australian Greens for their support for these amendments.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:09): In respect of the first question, on the $180 million, the work is still being undertaken between South Australia and the Commonwealth. As to when it will be available, as usual these are matters for Minister Burke to announce, I would expect as soon as practicable. In terms of stakeholder consultation, that is again a matter between the South Australian government and the Commonwealth government to determine. On the second question, I am advised that we do not have the figures on the amount of the apportionment, but I can take that on notice and provide that when it is available.

Senator XENOPHON (South Australia) (21:10): I am concerned that the figures for the apportionment are not available. I would have thought it would be of crucial interest to all the basin states, of crucial interest at a national level and of particular interest in my home state of South Australia. I would have thought that level of apportionment would be a key issue. I appreciate the dialogue I have had with both the government and the opposition in relation to this and I appreciate the time that I had earlier today with Minister Burke. I understand what the government have said about their approach to dealing with this, but when will the apportionment figures be announced, firstly, and where does that leave issues of the 971 gigalitres being sought from the southern connected basin? Is that still the figure being sought in terms of water recovery from the southern connected basin?
Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:11): Perhaps the easiest way to explain this is if you look at chapter 6, 'Apportionment of the shared SDL surface water reductions', it says 'in South Australia 8.5 per cent of the total' and 82.8 gigalitres of the 971 gigalitres per annum is that. To facilitate the apportionment it will come out of the 36 gigalitres. I wonder if that provides some assistance. As I said, if that does not answer your question then you might want to rephrase it and I will take it on notice.

Senator XENOPHON (South Australia) (21:12): I appreciate that the minister is genuinely trying to be helpful in relation to this, as are the departmental officers, but does that mean 82.8 gigalitres will be taken out of the state of South Australia's allocation and then you subtract 36 gigalitres? I am just trying to get a fix on how that will operate. Will that fulfill the 971 gigalitres figure that has been referred to by the minister? Insofar as the minister is not able to answer this further, will the minister undertake to provide an answer to that question on the record, so that it is a matter of unambiguous public record, and there is some clarity with respect to this?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:13): If you work through the figures, of the 82.36 will come off that. There is—I will use rough language—about 40 still there, but the figures mean that there has probably also been some savings. Some of the 40 has already been recovered, so that will lower that down again, but they have not got the precise figure as to what that balance would be and I am certainly not going to take an opportunity to guess it tonight. As I said, when they settle those figures I am sure they will publish them and provide them to the Senate.

Senator XENOPHON (South Australia) (21:14): Finally in relation to this, could I have an undertaking from the minister that those figures will be published and provided to the Senate. I ask that a copy be provided to my office and, of course, to my colleagues in relation to this matter, because obviously it is a critical issue in terms of the actual figures involved. Unless any of my colleagues seek to make a contribution to this, I think I have taken it as far as I can. I have heard from the relevant parties in relation to this, but I still have a grave concern that those regions in the river system that have already been historically much more water efficient than other regions—and I am not criticising those regions that have had open channels for a whole range of reasons but that are now being assisted with the water efficiency infrastructure fund—

Senator Hanson-Young: Billions of dollars.

Senator XENOPHON: Billions of dollars, Senator Hanson-Young says—$5.8 billion, I believe. My fear—and I hope that these fears will not come to fruition, in a sense—is that, come the next drought or the next water crisis, it will be South Australia that will be disproportionately affected and disproportionately hurt by this. That concerns me. All I am asking for is some fairness and equity, and I am simply seeking in these amendments to ensure that the authority considers these issues of past efficiencies prior to 2007, when the Water Act was passed, and to ensure that there is some fairness and equity in the mechanisms in determining what cuts are to be made. So that is what I am concerned about. I understand the position of both the government and the opposition, but I think
these are matters that need to be raised, that need to be talked about and that need to be on the public record. I hope I am proved wrong in years to come, but I fear that under the current plan and the current structure there will be some undue prejudice to the people of South Australia.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:16): As I indicated, I am advised that there is no difficulty with publishing the figures and providing them to where they can be found, or alternatively to your office. There is no secret there. As soon as they are available, they can be distributed. Can I say that I do not quite share your pessimism in this area. I think the opportunity is here for a long-term average sustainable diversion limit adjustment within this bill to provide an opportunity and continue to provide agricultural outcomes. I am speaking as agriculture minister.

Senator XENOPHON (South Australia) (21:17): The impact on South Australia may well be ameliorated as a result of the matters raised by the minister. This amendment sought to ensure a level of certainty—a level of guarantee, if you like—that issues of equity and fairness are considered. I guess it will depend on how the $180 million fund will be dealt with and whether it will be fairly distributed in South Australia. I guess it will also depend on what role there will be between governments in terms of water savings and seeking to reduce the impact on those already highly efficient irrigators in order to ensure that sufficient water flows down the river system.

So it is a vexed issue. It seems that what is being proposed is better than the status quo, but that does not necessarily mean a good outcome for South Australia. From my point of view, the option of doing nothing is not a tenable one, but I am hoping that what the minister has outlined, and indeed the sentiments expressed by Senator Joyce, will mean that South Australia will not be unduly disadvantaged. But that is something that I and, I am sure, many of my colleagues will be particular vigilant about.

This bill would have been improved with the amendments I have suggested. I will be seeking to divide in relation to these amendments so that it is a matter of record, but I believe that we need to be particularly vigilant to ensure that South Australia is not unduly disadvantaged as a result of the overall plan and as a result of these adjustments being proposed in the SDL.

The CHAIRMAN: The question is that the amendments moved by Senator Xenophon on sheet 7317 be agreed to.

The committee divided. [21:23]

(The Chairman—Senator Parry)

Ayes ...................... 10
Noes ...................... 35
Majority ............... 25

AYES

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

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

NOES

Back, CJ (teller)
Birmingham, SJ
Bushby, DC
Carr, KJ
Crossin, P
Evans, C
Faulkner, J
Feeney, D
Furner, ML
Ludwig, JW
Marshall, GM
McKenzie, B
Parry, S

Bilyk, CL
Brown, CL
Cameron, DN
Colbeck, R
Edwards, S
Farrell, D
Fawcett, DJ
Fifield, MP
Joyce, B
Lundy, KA
McEwen, A
Moore, CM
Polley, H
Question negatived.

Senator HANSON-YOUNG (South Australia) (21:24): I move amendment (2) relating to ground water on sheet 7310:

(2) Schedule 1, page 4 (after line 23), after item 9, insert:

9A After subsection 22(9)

Insert:

(9A) The Basin Plan must not allow any increase to ground water extraction unless:

(a) the proposed ground water extraction has been assessed using a regional scale, multi-layer, transient groundwater flow model that is linked to existing surface water models and demonstrates the impact of the proposed ground water extraction on:

(i) surface water systems and flows; and

(ii) ground water dependent ecosystems; and

(iii) the long-term sustainability of the aquifer; and

(b) the assessment takes into account the cumulative impact of all existing ground water extractions and the proposed ground water extraction; and

(c) if the proposed ground water extraction will cause a reduction in surface water—the quantity of ground water to be extracted will be offset through the purchase, by or on behalf of the Commonwealth, of water rights to an equivalent quantity of surface water.

This amendment is very important to ensure that, whatever the details are of the Murray-Darling Basin Plan when it is tabled in this place next week by the minister, we do not see just a grab-all for the allowed increased extraction of groundwater without the knowledge of the impact that that groundwater—

The CHAIRMAN: Order! Senators, if you wish to remain in the chamber please do so, but quietly; otherwise, please exit the chamber quietly.

Senator HANSON-YOUNG: The purpose of this amendment is to adhere to a precautionary principle which would require an appropriate review to be undertaken to ensure that there cannot be an increase in groundwater extraction without the full knowledge of the impact that that is going to have on the surface water, the connectivity issues of recharge rates and the impact on ecologies drawing on the groundwater. It would look at the proposed extraction in the light of all other existing groundwater extractions and if the proposed extraction reduces surface water it would require the Commonwealth to ensure that they buy back the equivalent amount. This is important because we know that there is going to be a level set in the basin plan of 2,750 gigalitres. Yet there is also an allowance for an increase in groundwater extraction, to 1,700 gigalitres. When you add them together you find that there is a much smaller amount of water that is going to be returned to the river. And no-one knows quite what the direct connectivity and impact of the increase of groundwater extraction is going to have on the surface water.

The CSIRO has said that this is of concern. We know that the National Water Commission has said that it is a concern and that unless otherwise established it should be assumed that all surface and groundwater systems are connected and that the eventual impact of groundwater pumping on surface water flow may be as high as 100 per cent. The Commonwealth's own National Water Commission suggests that it could be as high as 100 per cent, so if we allowed a return to
the environment of 2,750 gigalitres, yet at precisely the same time we allowed an increased extraction rate of groundwater of up to 1,700 gigalitres, it would not leave much water, at the end of the day, to be given back to the river.

The Murray-Darling Basin Authority have not looked at this properly. They have ignored the advice of the National Water Commission. Indeed, looking at some of the previous positions taken by Mr Burke, they have even been ignoring his advice in relation to his previous concerns about the impact of groundwater extraction in areas such as Queensland and the expansion of coal-seam gas development there. Last year the minister required that Queensland had to develop a regional-scale, multilayer transient groundwater flow model of the cumulative effects of multiple CSG development. This is the minister's own precedent, that you cannot just pump gigalitre after gigalitre after gigalitre of water out of the watertable in groundwater extraction without understanding the impact that that is going to have as to the connectivity of surface water and other systems. This is what this amendment is saying: unless we know what the impact is going to be and unless we can account for the impact that it will have on the overall return rate to the environment, we should not be able to do it. It is simply taking a precautionary principle.

At a time when we have spent decades, not just in this place but across states, debating the overallocation of water resources in terms of the traditional surface water in the Murray-Darling Basin, one would imagine that we would not want to repeat the bad old mistakes all over again. We are now about to spend billions upon billions of dollars having to buy back water entitlements because of overallocation of surface water. We should not be looking back in 50, 60 or 70 years time and seeing that this parliament did not take today the precautionary principle into account and ensure that we kept track of the allocations of groundwater extraction. We do not want to have to be here all over again having to buy back groundwater allocations because they are having such a significant impact on the overall level of water throughout the Murray-Darling Basin system. As I have already mentioned, the National Water Commission has already said that until otherwise proven we should be assuming that there is a 100 per cent relationship between groundwater and surface water—and that is what this amendment goes to.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:32): The government does not accept the amendment moved by the Greens. Can I then simply say that the proposed amendment places additional requirements on the authority by determining that the level of take must be done in a particular way. It is not the way that we are suggesting in the bill as to how it would operate. The way the Basin Plan would operate is as follows. When made, it will set an environmentally sustainable level of take. The bill requires, at section 23A(3)(b), that the sustainable diversion limit after it is adjusted reflect an environmentally sustainable level of take. That is, of course, the way the bill would operate and on that basis we do not see the need for this amendment. The way it particularly specifies that should be determined is not consistent with the operation of the bill.

Senator HANSON-YOUNG (South Australia) (21:33): I would like to ask the minister what is the government's response to the National Water Commission's position and advice that unless otherwise established it should be assumed that all surface and
groundwater systems are connected and to the therefore negative impact that that is going to have on the overall figure of water to be returned to the river under the plan?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:34): Again I think there is a missed point here. The Basin Plan will address that, not the commission.

Senator HANSON-YOUNG (South Australia) (21:34): With all due respect, Mr Chairman, the minister did not respond to my question. I am asking: what is the government's response to that advice given to the government by the National Water Commission? Is the minister suggesting that the National Water Commission is incorrect?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:34): I will say it for the last time, hopefully. The Basin Plan sets the precautionary approach and the Basin Plan will deal with the matter. It is not a matter of setting one body against another.

Senator Hanson-Young: But what is your response to their advice?

Senator LUDWIG: As I said, the Basin Plan will deal with it.

Senator HANSON-YOUNG (South Australia) (21:34): I will take it that the government cannot give a response to that advice. It is not about what the authority thinks. I am asking what the government's response is to that advice. Are they suggesting that that advice is wrong?

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (21:35): I rise to say I believe that the issue that Senator Hanson-Young is alluding to is slightly more complicated than the way she is presenting it in that it is definitely not pertinent to this bill. If anything, the ability within this bill for a limit to allow five per cent up or down would in essence give the government or the minister of the day the capacity if this were an issue to be addressed. Because it is five per cent up or down, that gives a capacity of up to 710 gigalitres up or down and that in itself would give some room for movement if the issues that she was alluding to were correct. I think it is completely confusing the aspect of what belongs in here if we start dealing with that issue tonight.

The CHAIRMAN: The question is that amendment (2) on sheet 7310 moved by the Australian Greens be agreed to.

The Committee divided. [21:41]

(The Chairman—Senator Parry)

Ayes ...................... 10
Noes ...................... 34
Majority ............... 24

AYES

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

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

NOES

Back, CJ (teller)
Birmingham, SJ
Boyce, SK

Bilyk, CL
Bishop, TM
Brown, CL
Question negatived

The CHAIRMAN: Senator Hanson-Young, do you still wish to move your next amendment (3) on sheet 7310?

Senator HANSON-YOUNG (South Australia) (21:43): Chair, would you accommodate me in moving the last group, which would be amendments (1) and (5) together before I go on to the others?

The CHAIRMAN: That is fine.

Senator HANSON-YOUNG: by leave—I move Australian Greens amendments (1) and (5) on sheet 7310.

(1) Schedule 1, page 3 (after line 6), after item 1, insert:

1A Subsection 4(1)

(5) Schedule 1, item 10, page 9 (after line 30), after subsection 23B(6), insert:

(6A) The Minister must not adopt the amendment unless the Minister is satisfied that, if the amendment is made:

(a) the long-term average sustainable diversion limit will continue to reflect an environmentally sustainable level of take; and

(b) Australia's international obligations under the Ramsar Convention will be upheld; and

(c) the long-term average sustainable diversion limit will maintain or improve the following environmental outcomes:

(i) in relation to average daily salinity levels for Lake Alexandrina—less than 1500EC at all times and less than 1000EC for 95% of the time;

(ii) in relation to average daily salinity levels for Coorong, South Lagoon—must not exceed 100 grams per litre in any 2 consecutive years and must remain less than 100 grams per litre for 96% of the time;

(iii) in relation to barrage flows—greater than 2000 gigalitres per year on a 3 year rolling basis, with a minimum of 650 gigalitres per year for 95% of years, greater than 600 gigalitres in any 2 year period and greater than zero gigalitres in all years;

(iv) in relation to the mouth of the River Murray—the mouth to be open to an average annual depth of 1 metre or more for at least 95% of years and to an average annual depth of 0.7 metres or more for at least 95% of years;

(v) the environmental outcomes met under an integrated, Basin-wide, fit for purpose model run based on the levels of extraction contained in the BP-3200-RC model run and the 112 hydrologic indicator targets.

These amendments go right to the heart of what we need to be doing in setting a proper benchmark from which any adjustment to the plan must be measured. The amendments list a number of items that are crucial to ensuring that we set a proper benchmark. If there is a desire to adjust the Basin Plan at any stage, we will always know what it is that we are measuring it against: salinity levels in the Lower Lakes—Lake Alexandrina; salinity levels in the Coorong and the southern lagoon; and the 112 target indicators that we used during the modelling by the authority of the 3,200 megalitre
relaxed constraints run, which was the most recent model that the authority undertook.

The last thing we want to do is allow for an adjustment up or down of the Basin Plan in a way that means we are not meeting the outcomes we set out to achieve at the beginning. By 2016 when there is a review and an ability to ascertain whether the plan can be adjusted, we need to make sure we understand what the benchmarks are. This is about putting those benchmarks, putting those agreed achievement points, into the legislation so that everybody knows what the game is and everybody understands what the aim of the plan is meant to be.

As I mentioned, these targets are important specifically for my home state of South Australia, at the bottom of the system. We know, historically, that that region feels the brunt of a reduction in water first just because it is at the end of the system. Those salinity targets in places like Lake Alexandrina and the Coorong are absolutely crucial, but the main point of these amendments is that they identify environmental targets throughout the entire basin. It is not just about South Australia; this also includes targets in Victoria, New South Wales and Queensland—right throughout the basin. They are targets that the authority itself has already identified as important. These are important things we have to achieve if we are to meet the overall objectives of the Water Act, which of course is to restore to health and retain the health of the Murray-Darling Basin system and protect our Ramsar listed icon sites.

These amendments lay down those really crucial safety nets. If we do not have these things in place, there are no guarantees that in two, four, five or 10 years time any of the things we have set out to achieve today will be met. We need to make sure that any adjustment to the levels of water to be returned to the river measure up to our ultimate aim, and that is to restore, protect and sustain those crucial environmental targets so that communities can continue to rely on a healthy Murray, so that communities down the end of the system, in my home state of South Australia, know that they will not just have an adjustment brought to this place in parliament that, regardless of who is in government at the time, can just be ticked off without any understanding of the direct impact on the environment. As we know, in a drying climate, in a time of climate change, the needs of those icon sites and how these targets are being met and the ability to meet them will change. Setting down these needs and targets as solid benchmarks now will ensure that even though our approach to them will need to be flexible and we may adapt the amount of water needed to meet them, meeting them is the crucial point. That is what these amendments set out to ensure.

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (21:49): In response to amendments (1) and (5) but particularly (5), again it does appear that the Greens are making a mistake. It is a very prescriptive clause and the detail of that will be in the Basin Plan. That is where it should lie and that is the structure of this legislation. The Basin Plan will contain, as it does now, a range of indicia, numbers, to achieve what can effectively be called environmentally sustainable levels of take. You cannot use the framework legislation to effectively commit now, because the Basin Plan will highlight those.

The bill already requires—this is the important part—that the environmentally sustainable level of take be maintained. Section 23A(3)(b) says that, and, as it is an amendment to the Water Act, Australia’s
international obligations—which is also covered I think in the Greens amendment (5)—are already covered under the objects of the act, in section 3(b). On that basis the government will not be supporting the amendments.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (21:50): We had some sympathy for the other amendments although we believed they were inappropriate, but these amendments have some serious issues. Salinity levels in the Coorong are a real problem, but a range of studies have shown that even with the flows we are having, with the floods, the salinity levels in certain corners have not changed. It comes down to whether there are other hydrological issues at play there, such as the drainage at the lower reaches of the Coorong and whether waters that have historically drained to the sea should be directed back into the Coorong, where they initially went. If we followed this through, we could pull down Dartmouth Dam and remove everything on the river but it would not necessarily fix the problem we are trying to address. We would never meet the targets that the Greens want.

Of course, when we get these direct levels of electrical conductivity, which is what EC stands for, we allow a trigger of events to happen all the way through the basin, where every town will come up with some environmental outcome that they desire. Griffith will say that they want a certain outcome and Dartmouth will say they want an outcome—the result of that being that no water will get to South Australia, because every town will have its own call on a target prior to it getting there. It cannot be so particular for certain area because, of course, once we let (6A) of amendment (5), especially part (c), go through, it stands to reason that every senator from every state will walk in here with their own grab bag of certain targets that they want, which will bring the whole plan unstuck. One of the major overarching purposes of this legislation is to bring about a better outcome for South Australia, but if we become belligerent and targeted then we will call basically any senator from any state in the basin to come up with their desires for targets in their areas and the whole plan will fall over.

Senator HANSON-YOUNG (South Australia) (21:53): I will not labour the point too much longer but I do want to be able to respond to Senator Joyce, who has just exposed the fact that the coalition have no commitment to making sure that the plan that passes this place, as drafted currently, is actually going to be the plan that continues to exist, because these targets as outlined in this amendment are what is currently making up the government’s legislation—their 450 legislation—and the requirement of the plan in relation to meeting the 3,200 gigalitres figure. So we have just exposed the fact that the coalition has absolutely no commitment to ensuring that this plan returns the water to the river in the future. Their whole strategy is to pass this plan, and to then relegate it down and make sure that none of these targets are actually met. Senator Joyce just stood here and said, ’If we let this through we will not possibly be able to do any of it.’ These are exactly the things that the government is already trying to do—that the authority already has on the table. You either agree with them or you do not.

The CHAIRMAN: The question is that Greens amendments (5) and (1) on sheet 7310 be agreed to.
The committee divided. [21:59]
(The Chairman—Senator Parry)
Ayes...............................10
Noes...............................33
Majority.........................23

AYES
Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

NOES
Back, CJ (teller)
Bilyk, CL
Birmingham, SJ
Boyce, SK
Brown, CL
Cameron, DN
Colbeck, R
Crossin, P
Edwards, S
Evans, C
Farrell, D
Fawcett, DJ
Feeney, D
Furner, ML
Gallacher, AM
Joyce, B
Ludwig, JW
Lundy, KA
Marshall, GM
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Pratt, LC
Ruston, A
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M
Thorp, LE
Williams, JR

Question negatived.
Progress reported.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT
(Senator Furner) (22:01): Order! I propose the question:
That the Senate do now adjourn.

Equal Pay

Senator BILYK (Tasmania) (22:01): I rise tonight to speak on the issue of the social and community services pay equity case. A principle that is strongly held by the Australian Labor Party is that workers who perform equal work should receive equal pay. This is particularly the case for pay equity between men and women, as there has historically been, and remains, a significant gender pay gap in Australia.

In 2010, women in Australia, on average, were earning 18 per cent less than men. The 2009 modelling by the National Centre for Social and Economic Modelling found that, while there are a number of contributing factors behind the pay gap between men and women, gender was the cause of 60 per cent of the difference between men's and women's earnings. In other words, women are earning less simply because they are women. The Gillard government takes the principle of equal pay for equal work very, very seriously. In fact, we take it so seriously that we enshrined the principle of equal pay for equal work in legislation. Section 302 of the Fair Work Act states:

FWA may make any order (an equal remuneration order) it considers appropriate to ensure that, for employees to whom the order will apply, there will be equal remuneration for work of equal or comparable value.

Contrast this with Work Choices, which actually entrenched pay inequity.

The first application made for an equal pay order was brought by the Australian Services Union, the Health Services Union, the Australian Workers Union, United Voice and the Australian Education Union, who were seeking amendments to the Social and Community Services, or SACS, award. The SACS award covers workers engaged in a variety of jobs, including social, welfare, youth, recreation, disability and community development services. A very unusual, but pleasing, feature of the SACS pay equity case was that almost all interested parties—including employer groups and governments—supported the claim put forward by the unions.
While pay equity represents a significant cost to employers in the SACS sector, most of which are not-for-profit community organisations, these employers face another cost, and that is the challenge of attracting and retaining skilled employees. In fact, the Australian Council of Social Service, ACOSS, found in its annual Community Sector Survey that the attraction and retention of staff was the biggest challenge facing not-for-profit community services.

The sector competes with all levels of government for skilled workers but struggles to offer comparable wages. The Productivity Commission's 2010 report into the contribution of the not-for-profit sector recommended market based wages for community workers, recognising that wages are a major factor in the successful recruitment and retention of staff. There are a number of reasons why retention of skilled staff is important, but I will mention just two. Firstly, clients of community services do not just connect with a service; they connect with a worker providing that service. They develop a rapport with that worker and the worker gains that person's trust. The trust that builds over time in community services is critically important to the continued engagement of clients.

The combination of low pay and challenging working conditions provides little incentive for skilled workers to stay in their jobs and not move on to higher paid government jobs. Often, in community services, we have the unfortunate situation where a client has just started to establish a trusting relationship with a worker, only to find they have left the organisation. The client needs to develop a new relationship with a new worker, and that is a process which may take several months.

A second major reason why attracting and retaining skilled workers is important is to retain the best possible workers. SACS workers often deal with people who are disadvantaged or in crisis—and they can change lives. When you are dealing with services that could change a person's life and alter the course of their future forever, it is vital that the most qualified and most talented workers are delivering those services. Many of these workers are outstanding but society undervalues them and, as a result, they leave for a job where the pay they receive matches their skills and abilities. These are just two of the many reasons why the SACS pay equity case is so important, not just to the workers but to the clients of these services.

For over a decade, I worked as an industrial officer with the Australian Services Union, the lead union pursuing the SACS pay equity case. I have worked with and represented many of the workers affected by Fair Work Australia's ruling in the SACS pay equity case, and I understand exactly how hard they work and the passion they have for their work. I also understand that working in the SACS sector can be very challenging. We are talking about people who often work with disadvantaged or at-risk clients. In many of these jobs, it is easy to get burnt out, particularly when you are passionate about the work you do and care about the people you are trying to help and support. To give you an idea of the challenges this work can involve, some of the jobs in the SACS sector include counselling families in crisis, running shelters for the homeless and working with people with disability or victims of family violence and sexual assault. It is not easy work, but I believe it is important work because it is an integral part of the Australian spirit that we look after the most vulnerable people in our community.

The SACS pay equity case application was lodged on 11 March 2010 and the order was
made on 22 June 2012, so it has been a long process—a bit over two years. The order made by Fair Work Australia will provide pay rises of between 23 per cent and 45 per cent for 150,000 SACS workers. This will be phased in over a period of eight years starting from 1 December 2012. Importantly, 120,000 of these workers are women.

I spoke earlier about the gender pay equity gap, and the pay differences between men and women was actually a key argument in the application and featured quite heavily in subsequent hearings. It is significant that the pay differences between men and women were also recognised in Fair Work Australia's decision. In fact, at the very beginning of their decision they stated:

We consider gender has been important in creating the gap between pay in the SACS industry and pay in comparable state and local government employment.

I explained before that the costs of equal pay in the SACS sector are to be borne by not-for-profit community organisations. One of the major sources of funding for the services delivered by these organisations is government grants, so, to help the sector meet the costs of this order, the Australian government needs to increase their contribution to these organisations. We estimate that, until June 2021, the additional cost of providing Commonwealth funded social and community services as a result of this order will be about $3 billion. Two bills introduced by my Tasmanian colleague Julie Collins, the member for Franklin and Minister for Community Services, established a special account to quarantine this $3 billion to ensure that the Commonwealth's contribution to these pay rises can be met.

This includes not only programs directly funded by the Australian government but programs indirectly funded through payments to the states and territories such as National Partnership payments and national specific purpose payments. By establishing the special account, the government is ensuring that the funds can only be used to provide supplementation to organisations so they can provide eligible workers with increased equal pay. Funding will be drawn from the special account by eight Commonwealth agencies that directly or indirectly fund services provided by organisations with employees covered by the pay equity arrangements.

The decision to create the special account demonstrates the Gillard government's commitment to SACS workers and the historic pay equity case as well as providing certainty to the SACS sector. I would like to congratulate the unions that supported the equal pay case and recognise their hard work on behalf of the 150,000 SACS workers affected by this decision. I know my former colleague Linda White from the Australian Services Union National Office was particularly instrumental in running this case; however, there are many other people throughout the organisation, including staff in the national office and the state and territory branches, who have been involved in the campaign.

I think we should pay particular tribute, however, to the grassroots union members. A number of my parliamentary colleagues and I met with SACS workers who travelled to Canberra to explain the importance of their work, to share their passion for the communities they were delivering services to and to explain how the lack of pay equity was affecting them. In addition to this, thousands of workers in the SACS sector wrote to me and other members and senators and lobbied fervently for equal pay, and it was my great pleasure to be able to assist them. It just goes to show that unions are successful when their membership is active and when the workers are united in their
cause and organised in pursuit of a just cause.

I would also in my last few moments like to recognise that this Labor government has supported this cause all the way through. Not only did we provide the legislative provisions that allowed equal remuneration orders to be given; we also supported the case in submissions to Fair Work Australia and we have contributed the funding that meets our commitment to a strong and sustainable social and community services sector—a well-deserved win by those unions and members of unions involved.

**Australian Defence Force Parliamentary Program**

**Senator McKENZIE** (Victoria) (22:11):

Half a league, half a league,
Half a league onward,
All in the valley of Death
Rode the six hundred.

'Forward, the Light Brigade!
Charge for the guns!' he said:
Into the valley of Death
Rode the six hundred.

In light of last week's Remembrance Day services held around Australia to honour the 102,729 service personnel who have died in war, I rise to deliver an adjournment speech on an incredible opportunity afforded to me this year by the Australian Defence Force. Sadly, sometimes we are also reminded of the ongoing and ever-present danger of war when one of our brave soldiers loses their life on the front line in Afghanistan. Yet we can also celebrate our defence personnel such as Corporal Daniel Keighran, who was recently awarded the Victoria Cross—Australia's 99th recipient of that award.

It is important in those sad times and on more joyous occasions to remember the important work our soldiers are doing in war-torn countries, and I have been fortunate enough to gain a firsthand understanding of this. Over the winter break this year I participated in the Australian Defence Force Parliamentary Program and met some of our great and gallant soldiers working on the front line in Afghanistan. Put simply, this was a remarkable and inspiring opportunity. Our service men and women are doing an incredible job at both keeping us safe and also helping to protect and rebuild a nation struggling with its present.

I learnt Australia undoubtedly has an important role in the war on terror. It is a task we have committed to and which we will see out. For those wondering if our commitment in Afghanistan has been worth it, even as we mourn the loss of 39 soldiers and our Coalition partners the US mourn the loss of more than 2,000 and their list of injured climbs beyond 17,000, I believe it has and there is more still to do. Perhaps more importantly, our own soldiers believe this to be the case as well. In 43-degree heat, the soldiers involved with Operation Slipper daily reinforced to four wide-eyed politicians how they are making Afghanistan and, indeed, the world a safer place.

The operation is part of Australia’s commitment to the International Security Assistance Force. This commitment sees 50 nations contributing to the effort to stabilise and secure Afghanistan. It also aims to deny locals the opportunity to further develop Afghanistan as a training base for al-Qaeda and other terrorist organisations. Terrorism threatens everything from freedom to practise their religion even to allowing young girls to attend school. However, according to the release of the Central Statistics Organisation's multiple indicator cluster survey for 2010-11, 57 per cent of Afghans now have improved access to drinking water while 63 per cent of primary school aged boys and 46 per cent of primary school aged girls are attending school.
is a significant increase. It is also important to note that, because of Australia’s involvement in the war on terror, Afghan girls are now attending school in record numbers. It is a great achievement. This year’s Asia Foundation report found nearly one-third of those surveyed noted a lack of education and literacy as some of the largest problems Afghan women face.

The first section of our trip was to complete training at AMAD at a base in the United Arab Emirates. As Afghanistan’s transition continues from war to law and order, this base will become significantly more important. General Smith, who has the responsibility of overseeing our contribution within the ISAF, spoke to us about the coming transition as our soldiers shift focus from a military contribution to assisting with building the peacetime capacity of Afghanistan’s communities, including a mentoring role for our troops with the Afghan National Army at the kandak level. This is in addition to Australian Federal Police mentoring the local Afghan National Police in their efforts to address the day-to-day realities of community law enforcement.

During our visit to Tarin Kot, the base in Uruzgan province controlled and overseen by the Australians, we were able to tour the Afghan National Army base and to meet with the leadership group there. We watched their troops on parade and spoke directly to the troops and their leadership group through the interpreters. We also had the opportunity to speak to their Australian mentor, who spoke of the strong bond of trust between the mentor and the Afghan leaders they worked with.

Tarin Kot was where I also got to see the Bendigo-made Bushmaster in action. Corporal Keighran, who I mentioned earlier, is a former driver of a Bushmaster. The Australian Defence Force has acquired Bushmaster vehicles through two projects, involving delivery of 838 vehicles in various forms, including troop, commander and direct-fire weapons and costing $87 million in the last financial year. The Bushmaster is made in my patron seat of Bendigo, in the state of Victoria.

Australia’s commitment to building the Bushmasters, which have an estimated cost of $1 million each, was a clear indication to our soldiers—as they let me know—that their nation considered their safety highly. As they watched their coalition partners head out in their machinery to far bases, our boys going off in the Bushmaster knew that they might come back with a broken ankle but that they would come back. These vehicles actually save lives. Our troops also wear gear from Australian Defence Apparel, which is also made in my duty seat in the electorate of Bendigo. I would like to say thank you to Jonesy and his crew for giving me very direct feedback on the quality of that apparel.

The realities of war were directly experienced when we visited the Role 3 Hospital in Kandahar province’s Camp Baker, where Australian reservist anaesthetists and doctors are again working to save lives, this time on the operating table. This is a joint operation—pun intended—with ISAF nations all contributing personnel.

This hospital has a great statistic: if you arrive at the Kandahar Role 3 with a heartbeat, you have a 99 per cent chance of survival. Phenomenal; that is truly incredible. Treating both Afghan army and coalition forces, doctors and nurses at Role 3 save lives first and ask questions later, and are supported by the swoop-in-and-save tactical response of the Blackhawk teams.

Kandahar province itself is approximately 50,000 square kilometres of mostly flat land, and the base there definitely had a different culture to the Australian-run Tarin Kot in
Uruzgan. That was evident from the dust, the helicopters and the sense of being closer to direct action. The presence of contractors was also greater, and as coalition forces draw down and the transition program picks up this will only increase.

Camp Baker is a small area of land within Kandahar that is under direct Australian control. It houses 200 personnel, who all work in various capacities within the broader camp structure. The most hallowed space within Camp Baker is a patch of green grass, probably the size of our table there and lovingly tended over the decade that we have been there. It is the site of many a coalition force barbecue, so I am told, in the harshness of the Afghan climate.

Returning from Camp Baker and my time in Afghanistan, my considerable respect for our armed forces has increased and it has ensured that I remain engaged in issues of defence. Only a trip like this one and an experience in a war zone would provide such an insight, and I am extremely grateful for this opportunity. Our soldiers are working away from their families in conditions of sometimes over 40 degrees, and freezing cold in winter.

Perhaps the increase of green-on-blue attacks is alarming, but it also reinforces that nothing will undermine our commitment to the mission in Afghanistan. One young soldier I spoke with shared his experience on this, his third tour. In his first tour he lost his best mate and in the second he lost his commanding officer, both to IED blasts. He admitted that at first he was not too keen on returning, but he is now committed to staying the course and supporting his mates on their mission. This is the crucial point about the camaraderie of the Defence forces—they are there for their mates, hardened through shared experience of war and mutual accountability. Together they will share the load.

In light of recent attacks, and as the death toll of coalition soldiers and Afghan civilians continues to rise, we pause as we did on the passing of our most recent loss, Corporal Scott Smith, to consider the legitimate question: has our involvement in Afghanistan been worth it? After visiting Afghanistan, let me reassure the Senate that in my opinion it has, and will continue to be. And, as I have said, the soldiers also believe this to be true.

They have an incredible spirit and professionalism and they are determined to succeed. Despite what war threw at them on a daily basis, particularly when four parliamentarians were under their care, we saw their great sense of humour and infinite patience as they struggled to give us a small understanding of the complexities of modern war.

In the past and going forward, as our men and women encounter another enemy and conflict—as they undoubtedly will—willingly they will go, and with our full support. I thank the Defence Force for the experience.

United States of America: Military Bases in Australia

Senator LUDLAM (Western Australia) (22:21): That is such an interesting speech to follow that I would like to add my remarks to some of those of Senator McKenzie, as the beneficiary also of the trip that directly preceded hers into the same theatre of war. I returned with a very similar respect for the men and women we have sent into that war zone and a very different understanding of the responsibility placed on us for sending them there and to other conflict zones in the first place.

So I rise, perhaps quite appropriately, to make some remarks about the AUSMIN
talks that recently took place in my hometown of Perth, which heard the thump of helicopters overhead as US Secretaries of State and Defense touched down. As senators know, one year ago during the visit of President Obama to this building, a very significant announcement was made for the basing of the United States troops on Australian soil for the first time since the Second World War.

This has major ramifications for Australia and for our role in the region. The consent of the Australian public and our parliament was not sought and nor was it given. At AUSMIN, without a whisper of consultation or consent, these arrangements were 'consolidated'. The communique describes it as 'US rebalance towards the region'. Other commentators are instead using the words 'containment' and 'arms race'.

There are plenty of issues that I would strongly welcome the government of Australia and the government of the USA discussing, and a number of them were canvassed at the AUSMIN talks. I am certainly pleased that issues of nuclear proliferation and improving the human rights situation in Burma—two easy examples—were discussed and made their way into the communique. Australia and the United States do have work to do together in this region and globally to advance nuclear weapons disarmament, starting with getting nuclear weapons out of our security policy and encouraging the United States to uphold its international legal obligations, along with those of course of other nuclear weapons states around the world.

The communique noted that we have work to do together to complete the Arms Trade Treaty at the conference in March 2013 and in promoting the leadership of women in political, economic and social development. But the Australian people, in my view, deserve more information than we have been getting about the security implications of the US-Australia talks. What exactly was it that got consolidated this month at AUSMIN?

What we learned on the eve of the AUSMIN talks is that a document I have asked about at Senate estimates and in Senate question time does in fact exist. This document outlines the roles and rights and responsibilities of the United States forces to be stationed in Australia, and it is not being made public, according to the government, and will not be made public. We know this thanks to a freedom of information request made by Fairfax journalist Dylan Welch, a request that was of course denied. This means that everything we know about the formal legal mechanics of the most significant deployment of foreign troops and equipment on Australian soil since the Second World War is instead contained in the Status of Forces Agreement signed with the US government in May 1963. I have asked a number of times in Defence estimates whether this document would be reviewed or amended, figuring that basing US Air Force fighters and bombers at Tindal, a Marine Corps contingent at Robertson, increased access to ports and air weapons ranges all over the country would surely require amendments to a document that went to press in the middle of the Cold War effectively to cover intelligence facilities only. With a straight face I was told the document would not be reviewed, and now we know why—an entirely new document has been drafted. At least the ambiguities in the Status of Forces Agreement are right out in the open; this current 2012 legal agreement is secret. The government has no intention of releasing it, apparently by request of the United States. My observation on this, apart from the evident insult to Australian sovereignty that our government
is uncritically accommodating, is that this is the age of the leak.

Rumour and speculation flourish in a vacuum, and a vacuum of course is what has been created. I do suspect that one day that document will make its way into the public domain—and as far as I am concerned, the sooner the better. In the meantime, in this climate of nondisclosure it is understandable for people in Perth and elsewhere around the country to want to know what 'greater access to our facilities' means when it comes to the Stirling Naval Base. Assurances of this being a third-tier consideration and it being downplayed by the defence minister as requiring 'substantial further study and additional decisions by both capitals'—that is defence minister Smith—is exactly the kind of language that people in Darwin were hearing in the run-up to President Obama's warning to China announced in our parliament last November.

In Western Australia I am fortunate enough to remember at least some recent history. Back in April and May of 2002, the then Labor Minister for State Development, Clive Brown, travelled to the United States on a fact-finding mission. The facts that he was seeking were: what would it take to attract the US Navy to Western Australia? He was told at the time by an admiral to spruik access to the Lancelin Defence Training Area for bombing, access to Stirling Naval Base, our secure location, our cost competitiveness and compatibility of language, and all that sort of thing. Then Parliamentary Secretary Mark McGowan, who is now the state Leader of the Opposition, followed it up that July with a delegation of defence contractors—not diplomats or foreign policy specialists, but defence contractors—and hit the jackpot with the Sea Swap trial, or so they thought at the time.

As long ago as 2002, the US government was contemplating the Asia-Pacific pivot that we are hearing so much about, using language very familiar today. Already emphasis was turning away from the sprawling network of bases in Western Europe and East Asia to a network of small bases, transit points or lily pads dispersed around the region, places where you would have in advance legal rights of access, compatible fuel, water and power supplies and adequate force protection.

The Sea Swap trial was claimed to be a great success, but it was overshadowed by a sudden change in tempo. Carrier battle groups began cycling through Gage Roads, US F18s pounded the Lancelin Defence Training Area with high explosives and smoke bombs, and we were abruptly reminded just how our remote port city on the rim of the Indian Ocean is connected to the rest of the world. You see, at exactly that time the United States was preparing to launch the invasion of Iraq.

So in Western Australia I am not just worried about the local impacts of basing United States military forces and I hope that will not be construed as being anti-American—though I suspect it will. I do have concerns about the social impacts of service personnel, whether they be from the United States or anywhere else in the world, based in my home port. I do have concerns about the environmental impacts of the toxins, the ordnance, the chemicals, the fuels and the propellants involved in blasting areas like the Lancelin Defence Training Area, all those sorts of things that are contingent on the normal operations of military bases all around the world. I and many people like me are not anti-American. If you consult around the location of a shopping centre or the creation of a new park or the layout of the suburb or the location of the school, perhaps it would be useful to also consult before you
launch the most significant military
deployment of foreign troops and equipment
into Australia since the 1940s. But this is all
happening without a whisper of consultation
with the Australian people. I suspect that in
this room the Australian Greens are the only
ones who will formally go on the record and
say that we find it somewhat offensive. That
is not anti-American. I would be very
concerned if the Chinese military had been
invited to station outposts in Australia, or the
New Zealand Defence Force for that matter.
If you were confident that it would be
supported—and by many people it would be—you would bring the Australian people
into your confidence. But of course that is
not what is happening.

We need to go into this with our eyes
open, as we should have done in the run-up
to the illegal invasion of Iraq that cost
hundreds of thousands of lives and billions
of dollars, and learn that these kinds of
deployments entangle us in foreign policy
decisions that we may not support, that we
have not supported in the past and that we
may not support in the future. So I was proud
to be with those calling for peace at vigils
and events in Perth last week.

I am also proud to be associated with the
new Independent and Peaceful Australia
Network, IPAN, an Australia-wide
organisation made up of non-government
organisations, churches, unions and
community groups opposed to foreign
military bases that rather seek to promote
democratic, transparent and participatory
decision making on Australia's peace and
security options.

I will conclude my remarks with
recognition of my friend and mentor former
Senator Jo Vallentine. She was a senator in
this place during the Cold War. She was very
often alone in this place, challenging the
logic, the expense and the pollution of what
passed for real politics and security back
then. For so doing, she was often belittled by
people who were never her intellectual or
moral equals. Jo spoke for me and many,
many other people when she said last week:
'It is not in my name that you make these
plans and promises in support of future wars
and it is not in my name that you offer
Australian facilities to the deadliest war
machine on the planet.'

Malaysia

Senator XENOPHON (South Australia)
(22:31): I rise tonight to speak of on an issue
of great importance in our region, an issue I
feel we as Australian parliamentarians have
an obligation to speak out on because it
concerns a great friend and neighbour and
also because we can make a positive,
respectful contribution to the problems at
hand.

There is no question that Malaysia and
Australia have a strong relationship and an
incredibly positive history. Australian troops
have fought alongside Malaysians on a
number of occasions, including during the
Malayan World War II campaign. Australians and Malaysians were part of the
Commonwealth force that defeated the
Malayan communist insurgency during both
the Malayan emergency between 1950 and
1960 and again during the period of
confrontation between 1963 and 1966.

Australia and Malaysia also have strong
ties in the field of education, with
approximately 21,000 Malaysian students
enrolled in Australian educational facilities
in 2011—and I dare say there was a similar
number this year. Approximately 300,000
Malaysians in total have undertaken courses
in Australia, which aptly reflects both the
esteem in which our education facilities are
regarded internationally but also the way
Malaysian students have been welcomed
with open arms in Australia. So many
students initially came here under the marvellous Colombo Plan many years ago. In addition, three Australian universities—Monash University, Curtin University and Swinburne University of Technology—now have campuses in Malaysia.

Australia also took a close interest in the formation of an independent Malaysia. Our former Governor-General Sir William McKell was even one of four jurists that helped draft Malaysia's constitution. The Department of Immigration and Citizenship estimates that as at June 2012 there were approximately 116,000 Malaysian-born people living in Australia. So there is absolutely no question that Malaysia's relationship with Australia is an incredibly strong one and that both nations are great friends.

Because we are great friends, we need to speak honestly to each other and to offer each other assistance in times of need. Last week, I visited Malaysia and met with representatives from the non-government organisation Bersih—a movement calling for clean and fair elections in Malaysia. I previously met with Bersih and others when in Malaysia on a fact-finding mission into Malaysia's electoral system as part of an international observers group in April of this year. The group consisted of representatives from India, Germany, Indonesia and the Philippines; the well-known Senator Mir Hasil Khan Bizenjo of Pakistan; Indian journalist and author and former politician MJ Akbar; and Dr Clinton Fernandes, an associate professor in international relations from the University of New South Wales in Canberra.

The group met with representatives of the Malaysian government, the Malaysian Election Commission, the ruling coalition, the opposition, the clean elections coalition, as well as representatives of the Malaysian Bar Council. Both the group's interim and final reports raised a number of serious issues, including: grave concerns about the integrity of the postal voting system; the need for a royal commission of inquiry into the Malaysian electoral system; the lack of free and fair access to the media: vilification and slander of candidates; the potential for fraud in the verification of voters; the minimum election campaign period; the lack of a caretaker convention; and the lack of one value for one vote. The observer group noted that there are government held electorates with as few as 10,000 voters or so compared with over 100,000 voters for some opposition electorates—an extraordinary gerrymander.

Further, the co-founder of Bersih, Ambiga Sreenevasan, former president of the Malaysian Bar Council, raised these concerns here in Parliament House in Canberra when she met with a number of MPs and diplomats during a visit last month, particularly the credibility of the electoral rolls, the potential for fraud, dubious vote counting and gerrymandering. A recent report published last month by the International Crisis Group reinforced these concerns.

Similarly, an analysis of the electoral roll in the constituency of Lembah Pantai in Kuala Lumpur highlighted some of these glaring inconsistencies in the electoral rolls. The Malaysian Electoral Commission indicates that 70,136 voters are registered in the constituency, but research conducted by the office of Nurul Izzah Anwar—the current sitting member from the opposition—indicates that 45 per cent of those voters did not have a complete address listed. That is quite extraordinary in terms of the potential for fraud.

The International Crisis Group, similar to the international observer group that I was a
part of, has also raised concerns over the minimum campaign period—which, by law, is 10 days, although the longest period, in 2008, was 13 in total. This in turn can disenfranchise many Malaysians who have to vote in their own electorates who are living in other parts of Malaysia. If they are from Sarawak or Sabah and they are in Peninsular Malaysia, they simply do not get a chance to be able to go and vote.

That disenfranchises many tens of thousands, if not hundreds of thousands, of Malaysians. During campaigns, no open-air public rallies are permitted, and permission for indoor meetings is difficult to obtain. Further, the opposition cannot have fair access to the mainstream media or even advertise on radio stations and television. That is quite extraordinary in terms of the level of control and the lack of fair and free access.

Many of these concerns were also raised by the Malaysian opposition leader, Anwar Ibrahim, when I met with him last Friday in Kuala Lumpur. Malaysia’s opposition leader is so concerned that the upcoming 13th general election in Malaysia will not be clean and fair, that it will be subject to widespread fraud and vote tampering, he has sent a letter to Australia’s foreign minister, Senator Bob Carr, to request the Australian government’s assistance to ensure elections in Malaysia are democratic. Malaysia’s opposition leader is pleading with Australia not to take sides but to do all that it can to ensure that there are free and fair elections in Malaysia.

I acknowledge that Senator Carr, as foreign minister of Australia, regularly receives requests to support or oppose one international issue or another. I do also acknowledge that Senator Carr’s role as foreign minister is to advance and protect Australia’s national interest. This is one of those unambiguous and fortunate occasions where supporting clean and fair and free elections in Malaysia is in the interests not just of Australia but of our entire region.

Our great historical and enduring friendship and bond with Malaysia demands that Australia take a leadership role at this historic juncture. Specifically, Australia should send a parliamentary delegation to observe the preparations for the election as a matter of urgency, not in coming months but in coming weeks, because the election can be held at any time between now and April 2013. Australia should also look at offering the services and expertise of the Australian Electoral Commission to deal with the most serious concerns expressed by independent observers, including Bersih. In fact, Ambiga Sreenevasan told me last week that the Election Commission of Malaysia has previously said that they are considering inviting international observers. The integrity of the electoral roll is paramount. There are concerns that there could be widespread tampering of literally hundreds of thousands of votes.

Australia could well be, in the international community, Malaysia’s last best hope to ensure a tipping point for free and fair elections in that great nation. This is not the time to turn our backs or to turn a blind eye to our close friend and neighbour. We must—if invited by those in Malaysia seeking a democratic outcome, seeking clean and fair and free elections—stand up for what is right and just and offer our assistance.

World Toilet Day

Senator MOORE (Queensland) (22:40): Madam Acting Deputy President Pratt, as you know, 19 November is World Toilet Day. Every year I try to come into this place and make some comment about the importance of clean water and sanitation to our community. It is not a topic we spend a
lot of time discussing, but the purpose of the World Toilet Day is to raise awareness about that. Tonight I want to concentrate particularly on the importance of clean water and sanitation for women. Last month in this place our Parliamentary Group on Population and Development had a seminar on this topic, giving us the opportunity to hear from people about their own lived experience and then to look at what we can do as a community to respond to their needs. When you read the books and look at the considerations, these things do not seem real. But when we had Miriam Layton talk to us about the daily needs in her community, the people with whom she works and their safety issues, that brought it home in a very special way.

Millions of women and girls live without access to water, sanitation and hygiene. The impact this has both on their daily lives and on their long-term prospects is significant. Providing access to water and sanitation enables women to take control of their lives and has a multiplier effect across households and communities. The Millennium Development Goals process has already focused attention on the need for us as a whole world community to look at the need to address poverty. One of the core Millennium Development Goals is the issue of water and sanitation. We know there has been a major success, that access to drinking water has been achieved to a very high level across the world. However, in the area of sanitation, a basic need, something everyone in this community takes for granted, there are still great gaps and concerns about whether we will be able to meet the goal that we set as a world by 2015.

The issues around toilets are universal. One of the things I did when we were looking at this process was to look at the issue of women and their independence. There is such a well-known story about when the first women were elected to parliament here in the 1940s. When they came to take up their seats in what is now Old Parliament House—as you, Madam Acting Deputy President, and I have done in this place—there were no effective ladies toilets in the building and it took many years to actually have effective plumbing provided so that women, who were workers in our parliament, would have equal access. That is just a simple story about what happened in our country, as opposed to what could happen now in the world.

It is widely acknowledged that a lack of access to water and sanitation disproportionately affects women. In the city of New Delhi in India, there are 1,500 public restrooms for men and a mere 132 for women, leaving many women stranded. I have never visited that city but I know many tourists have been caught in a situation where they are seeking support in that area and are not able to find it. But there are people who go and study the access to sanitation across the world and make the counts so that they know about those 1,500 and 132. In rural areas women are often forced to travel deep into the surrounding bushland where they can avoid being seen by men. That process is one that we heard about in the seminar and it shows the absolute need for support for sanitation not only because of those physical and health impacts but because of the safety impacts. We heard horrific stories about the vulnerability of women when they are trying to go to the toilet in open space, where they become vulnerable to sexual assault, attack, theft and robbery.

That is something that does not cross our minds on a daily basis in Australia, but it is a reality for many women who are seeking basic support.
Women involved in a WaterAid study conducted in Uganda reflected on this and noted:

… inadequate sanitation put a far greater burden on them as opposed to men.

Women most certainly bear the burden of collecting water for their families' use on a daily basis. There are stats provided saying that women spend many hours of their day in the onerous task of fetching water for themselves and their families. This can be eradicated so quickly by having effective sanitation projects and by having wells available so there is clean water for health and basic living. Globally it is estimated that women spend more than 200 million hours per day collecting water. In sub-Saharan Africa, a particular area of need, 71 per cent of the water collection burden falls on women and girls; the water takes 40 billion hours a year to collect. During a recent study conducted by Amnesty International in a slum in the Solomon Islands—which is one of the projects we heard about last week—over 100 women and girls were counted visiting one broken tap stand to collect water on a single afternoon, and only two men.

Poor access to water and sanitation affects women in three significant ways: it violates women's rights and places them in danger, as I said earlier; it jeopardises women's health; and it undermines women's educational and economic opportunities. The links between poor access to water and sanitation and ill health are well established and significant. At any given time, half of the hospital beds in low-income countries are occupied by patients suffering from water- and sanitation-related diseases. Almost 2,000 children die every day from diarrhoea caused by unsafe drinking water and poor sanitation. Unsafe water, sanitation and hygiene practices spread infectious diseases, including diseases in the gut and also the horror of trachoma. Some health issues have particular relevance to women, and poor access to water and sanitation creates and exacerbates these. It is hard to imagine what it must be like for mothers to give birth without enough water to clean themselves and their new babies. The lack of hygiene leads to sepsis, one of the major causes of preventable maternal death, leading again to the issues around the MDG and maternal health. Poor menstrual hygiene caused by the lack of sanitation and hygiene facilities at school and in the home can lead to reproductive health problems.

We heard the story of a young Zambian woman called Chimunya, aged 17, who has become the face of a campaign talking about her need to have her menstrual health looked after and to have privacy and safety. She talks about something that I do not think many of us would think about: that her dream would be to have a safe toilet in her school. When I was lucky enough to visit Africa last year with the Joint Standing Committee on Foreign Affairs, Defence and Trade, we met with some young children who were at a school where Australia's AusAID program had helped to fund a new block of toilets; this was in Zimbabwe. The sheer pride and joy of those young children talking about how important it was to have their toilets at school, which gave boys and girls separate access so that there was privacy and safety in the process, brought home to me just how important it is to have something that we take for granted in schools—though, in many of the visits I have made to schools around the Building the Education Revolution program, some of the greatest stories I have heard have been from young children who have come to me to show me their new toilet block. Yes, they get halls; yes, they get libraries; yes, they get outdoor areas. But I can clearly remember one school where the greatest pride for the kids was showing me their new toilet block and how good it was. So there is that
international link about where people—kids across the world—can join together and say water and sanitation are important to them.

Today we have the opportunity to lobby governments, and our government in particular, to increase the funding we give to the issues around water and sanitation. The Australian government has provided funding in previous years, and our AusAID programs—some of which I have visited—have done splendid work. We can acknowledge the work that has been done, but there needs to be so much more, because the need is great. When you see young women like Chimunya come forward and say how important it is to her, when you listen to Miriam talking about the issues of safety and when you see that an investment can yield so much response, it is important for all of us as a community to acknowledge on World Toilet Day the importance of sanitation and clean water and to say that we have achieved much in our country but, most importantly, there is much more that needs to be done, because women and children should not be in danger over something that we take for granted in our own country.

Hancock, Mr Lang

Senator BERNARDI (South Australia) (22:50): This Thursday marks the 60th anniversary of Mr Lang Hancock's famous flight during which he discovered enormous iron ore deposits in Western Australia. It also marks the start of a shining example of entrepreneurship and private enterprise in Australia's history. In 1952, on a flight with his wife to Perth, Lang Hancock was forced to fly low to avoid storm clouds. In doing so, he flew low enough to spot iron ore deposits in a nearby gorge. After further investigation and a number of visits to the site in the following months, Mr Hancock sent samples of the ore off to Perth for analysis. There were doubts in his mind about what he had seen, because the government at the time believed that iron ore in Australia was limited. This was based on reports from geological advisers in the 1930s. They were concerned that our own iron ore resources would soon be unable to meet our needs. Therefore the government had a ban in place on iron ore exports.

So, when Mr Hancock found out that the ore he had discovered was of a better grade than that used overseas, he set about the challenging task of convincing the government to lift this ban. According to Mr Hancock:

... people knowing this throughout the world, people interested in iron ore, knew that there was no iron ore in Australia and here was I, a boy from the bush ... trying to tell them that I'd found by far the world's largest iron ore deposits ... 30 or 40 firms throughout the world said "run away, it's a lot of rubbish."

Even the bureaucrats in Canberra said that they had surveyed the area and there was nothing there. In addition to this obstacle, the state government of Western Australia had in place pegging bans on iron ore claims. Despite these challenges, Mr Hancock persevered. He was going to do everything in his power to make his vision a reality.

Having lived in a remote area of Western Australia, Mr Hancock was no stranger to self-sufficiency. He knew that he had to do things himself in order to get ahead. So he worked hard. He learned all that he could about iron ore. He studied how the industry worked. He formed long-lasting business relationships. He approached official after official and company after company, trying to get people on board. Finally, the embargo on iron ore exports was lifted in 1960 and he was allowed to establish a company, and he helped to build an industry that has gone from strength to strength.

It took almost ten years, but Lang Hancock's dogged pursuit of private

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enterprise paid off. His hard work led to a huge number of opportunities for workers, companies, Western Australia and the country as a whole. New towns and facilities were established, benefitting the local population, who had been isolated for so long. It opened up employment opportunities for thousands of Australians. And then there were flow-on effects: the jobs and infrastructure created as a result of growing industry. Iron ore development has brought investment and infrastructure from which Australia is still reaping massive benefits. We are now the leading iron ore producer in the world.

Iron ore is one of our largest export industries and, together with the coal industry, directly employs over 80,000 Australians, many of whom work in regional Australia. Last financial year alone, iron ore contributed $63 billion to our nation’s export income.

Australians should be proud of the drive shown by Mr Hancock. It is a great example of how perseverance, initiative and a faith in one’s abilities can change not just an individual’s life but the lives of many others for the better. It also shows the benefits that can come from private enterprise when it is freed from the constraints of government. Imagine where our economy would be today if the powerbrokers and bureaucrats at the time had stuck to their misconceptions about iron ore. While governments may often think they know best, time and time again we see that great things can happen when government steps out of the way of enterprising individuals.

It just goes to show how misguided our Treasurer is in attacking successful Australian business people. The Treasurer’s focus on class warfare does nothing to encourage everyday Australians to work hard in order to pursue success. Our economy relies on the innovation and determination of Australians like Mr Lang Hancock, because it is these things that help to grow business and to increase investment.

Another notable Australian, Jac Nasser, said it like this:

We just don’t want a society where it is them and us, it is rich and poor. You want a society where people work hard ... they take risks and they get rewarded.

We all have dreams of a better life for ourselves and for our families. Governments should be encouraging people to work hard and they should be making it easier for Australians to pursue these dreams. Yet, more often than not, the welfare mentality prevails through government policy, with people saying, ‘Well, why bother helping myself when other people can do it for me? Why bother working when the government will just give me more money?’ Of course, governments should provide support to those who are unable to help themselves. But at the same time, hard work and initiative should also be championed for those who are able. Wallowing in the welfare state does not lead to a stronger Australia.

Also, governments and bureaucrats must be mindful of the regulatory burden that can stifle free enterprise. And yet, this Labor government seems incapable of recognising this fact. Since 2008 it has repealed 104 regulations but it has introduced an additional 20,900 regulations. That is about 200 to 1 regulations added for every regulation that it has removed. Such an enormous level of constraint on private enterprise does nothing to encourage Australians to take a risk and to use their own capital to start a small business.

There are a number of Australian business success stories out there; stories that inspire other Australians to knuckle down, work hard and achieve great things. We know that...
not everyone is going to go out now and
discover one of the world's biggest iron ore
deposits, but it is a reminder that anything is
possible in this country if you are prepared to
work hard enough for it. But there is no
doubt in my mind that our economy, our
community and our faith in the future of this
nation is better served by encouraging
innovation and private enterprise rather than
stifling it.

Equality

Senator WRIGHT (South Australia)
(22:57): Tonight I am going to speak about
the importance of the right to equality in
Australian society. Equality is a core
democratic principle that underpins our
society. Applying this principle is
fundamental to making sure that individuals
and groups can have access to opportunities
and essential standards of living so that they
can participate fully in society and realise
their own potential.

The Australian Greens are committed to
working towards a more equal world. We
believe that as a community we should take
positive steps to promote the right to equality
and principles of nondiscrimination, to
uphold equality before the law and to address
the underlying causes of systemic
discrimination. We must also seek to ensure
that people are treated with equal dignity and
worth. We should celebrate diversity and
recognise people's different needs and
identities. And we must endeavour to
provide and create the conditions and
opportunities that are necessary to empower
all people to live a fulfilling life in Australia.

Development economist Amartya Sen
recognised the importance of giving people
the freedom to develop their inherent
capabilities and to reach their potential when
he stated:

What people can achieve is influenced by
economic opportunities, political liberties, social
powers and the enabling conditions of good
health, basic education, and the encouragement
and cultivation of initiatives.

The Australian Greens welcomed today's
release by the Attorney-General of the
government's exposure draft of new
antidiscrimination legislation and the referral
of that legislation to a Senate committee for
inquiry. The Australian Greens have been
advocating throughout 2012 for this
legislation to be introduced into the
parliament as soon as possible.

The review process that has considered
the consolidation of current
antidiscrimination laws has been extensive
and ongoing for some time. In September
last year the government released a
discussion paper, and many individuals and
public and private organisations responded
with approximately 270 submissions. The
Attorney-General's Department has also
conducted additional forums and one-on-one
meetings with stakeholders. Throughout this
consultation process, the majority of
stakeholders have called for stronger equality
laws in Australia.

The Australian Greens acknowledge that
the government has responded to a number
of these calls by, for example, shifting the
burden of proof to the respondent where a
complainant has established a prima facie
case. The Australian Greens also support the
new definition of 'discrimination' to mean
unfavourable treatment and the change to
make discrimination unlawful in connection
with any area of public life. We also
welcome the move to reduce costs for
complainants, which will make the system
more accessible.

These are all positive changes that will
improve the effectiveness of Commonwealth
antidiscrimination laws, and the Australian
Greens support these changes and the bill in
principle. However, there are some things
that have not been addressed in the bill, and
we say that some further changes should be made to better protect and promote every Australian's right to equality. In particular, more could be done to actively address systemic discrimination in society. These are the pervasive and deeply entrenched discriminations that occur due to social behaviours, structures and institutions against some particular groups. These patterns then restrict people in these groups from realising their full potential.

The laws could also be expanded to protect against discrimination on a number of additional grounds. For example, in addition to the new provisions that will prohibit discrimination on the basis of sexual orientation and gender identity, the Australian Greens say that the bill must go much further and extend protection from discrimination to additional attributes including being of intersex status, having an irrelevant criminal record, religious belief or activity, political opinion, nationality, industrial activity, status as a victim of domestic or family violence and social status such as homelessness, unemployment status or being in receipt of social security payments.

These changes are incredibly important because the practical reality is that discrimination exists on a daily basis in Australia and in many cases it is entrenched within our social behaviour and structures. An example is the experience of homeless people, who often endure breaches of their right to equality when attempting to access employment, accommodation and other services. A 2006 survey by the Public Interest Law Clearing House Homeless Persons Legal Clinic found that 70 per cent of participants had experienced discrimination on the basis of homelessness or social status when attempting to access accommodation. In 2009 the clinic consulted widely with people experiencing homelessness regarding the human rights issues they encountered. Discrimination and unequal treatment were common occurrences for many, with homeless people often experiencing discrimination at the hands of goods-and-services providers and, ironically, even those providing accommodation, thus entrenching their very status of homelessness. The clinic's report highlighted that it is currently lawful for a real estate agent or caravan park owner to refuse accommodation to someone who may be homeless or precariously housed because they want to pay either with a cheque from a welfare agency or from their social security benefits.

The report also gave the following examples of discrimination experienced by homeless people. One participant described the experience of looking for accommodation:

… a couple of places have not accepted us because we were paying the bond with HEF (housing establishment fund) cheques. One caravan park organised a van, then rang back and said it wasn't vacant after they found out how we were paying.

Many participants also highlighted the stigmatisation and stereotyping of homelessness which contributes to and causes entrenched and systemic discrimination.

Participants described the stigma of homelessness as creating 'a feeling that society is looking down on you because you are homeless'. One participant said: 'The services—you know, housing, health, social security—have always looked down on you because of the way you look.' Another participant felt that they had been treated unfairly because of their appearance, which was because of homelessness. Participants gave many examples of experiencing discrimination at the hands of police, public
transport ticket inspectors and, ironically, providers of homelessness services.

Another amendment that should be made to the bill is the removal of the arbitrary permanent exemptions from the law relating to religious organisations. Such exemptions uphold traditional social structures and hierarchies that discriminate against marginalised and disadvantaged groups. As such, these exemptions help to perpetuate inequality. We respect the rights of persons to hold religious beliefs and so we support extending protection against discrimination on the basis of those beliefs. However, we do not support blanket exemptions which enable religious organisations to operate above the law and outside accepted community standards. These sorts of exemptions are often outdated and arbitrary, and should be replaced with a process that requires a principled and balanced assessment on a case-by-case basis—a temporary exemption provision such as this already exists. The Senate inquiry process should also consider whether other blanket exemptions are necessary and consistent with the right to equality. The recent situation in New South Wales of a five-year-old girl being refused admission to a government-funded kindergarten on the basis of her parents' same-sex relationship is a disgraceful example of the law supporting harmful practices of discrimination.

There are clear moral arguments for eliminating discrimination and inequality in our society. However, there are also indisputable economic and social reasons why we should work towards achieving more equal societies. Recent evidence shows that more equal societies enjoy better public health and educational outcomes, improved social cohesion, and positive economic results such as increased productivity, efficiency and growth. These outcomes clearly benefit the whole community, not just people within minority groups or individuals experiencing disadvantage. That is why equality is truly good for everyone.

To ensure greater equality for all Australians, we need to improve and strengthen Australia's anti-discrimination laws. We should look to global best practice and ensure that our laws are consistent with international human rights law. Australia is a proud signatory to numerous human rights instruments that promote the right to equality and nondiscrimination. These bring with them an obligation to take concrete, targeted measures to promote substantive equality and eliminate discrimination.

The Australian Greens are pleased that we are on the way to achieving these goals. However, we say that there is still more that can be done to improve the legislation so that it really does provide a gold standard approach to promoting and protecting the right to equality in Australia. In this way, we can ensure that equality truly is for everyone.

Frontier Services

Senator CROSSIN (Northern Territory) (23:07): I rise this evening to acknowledge and pay tribute to an amazing organisation that in 2012 is celebrating 100 years of providing assistance to, building and sustaining communities in remote Australia. That organisation is Frontier Services, formerly known as the Australian Inland Mission. A brief summary of the history of this organisation will cause many of us to recall the facts learned in Australian history classes from our days at school. It may even cause us to remember our history each time we touch a $20 note.

At the very heart of this story is the work of John Flynn—the man whose face is on your $20 note. Flynn was born in the Central Goldfields in Victoria in 1880. He became a teacher and then a missionary of the Presbyterian Church. John Flynn was very
interested in the plight of people living in the bush. His missions to shearing sheds in remote parts of Victoria gave him particular insights into the worlds of families living in isolation and dealing with all the issues associated with remote living. And, like many great Australians, John Flynn was a person who was not afraid to take action and do what he believed to be right. In the book which was launched this year marking 100 years of this organisation, National Director of Frontier Services Rosemary Young said: 'Reverend John Flynn had a clear understanding of what was necessary to build and sustain community in remote Australia.'

Flynn was ordained as a minister in 1911 and in 1912 was commissioned to survey the conditions of both Aboriginal and European residents of the inland and report back to the Presbyterian Assembly. His findings were accepted and resulted in the establishment of the Australian Inland Mission. Flynn was appointed as its first superintendent. He was concerned about the vast distances and the lack of adequate medical assistance for people in the bush. His vision was that the Australian Inland Mission should provide a 'mantle of safety' so sustainable communities could be established in spite of the hardships and difficulties experienced by those living in the inland.

Regardless of gender, race or religion, the Australian Inland Mission delivered pastoral care, counselling and medical services. Medical services were delivered via nursing hostels and hospitals, each one having a close relationship with a padre who regularly visited on patrol either by camel, horse, rail or motor vehicle—whatever mode of transport was available at the time Flynn was a dreamer—a man with big ideas about what could be done to assist those living in inland Australia. He believed that the delivery of medical assistance and pastoral services would help to encourage women to accompany their men folk to live in and develop the isolated parts of the country. He believed that the existence of families was an integral component for sustainable communities in Australia.

John Flynn died in 1951. During his 39 years as superintendent of the Australian Inland Mission he had achieved enormous gains and faced significant local and global challenges. World War I, the Depression and World War II had all been faced during his leadership.

But his commitment to the people of the inland saw lasting achievements delivered by the Australian Inland Mission. Visiting nursing sisters were followed by the establishment of permanent medical facilities. His vision for the use of aircraft to conquer vast distances, particularly in terms of medical care, led to the establishment of the now famous Royal Flying Doctor Service. This service continues to provide vital support to those living in inland Australia.

The widespread use of two-way radios to improve communication and overcome isolation lessened the distance and allowed voices to be heard. The use of community hubs for delivering pastoral services as well as medical services and the establishment of aged-care facilities in these remote towns were all part of Flynn's vision to establish that 'mantle of safety' so that people could build sustainable communities, despite the hardship and challenges of outback life. At the celebration of the Frontier Services centenary at Dallas Brook Theatre in Melbourne in September, Minister Simon Crean said: 'What strikes me as Flynn's greatest attribute is that he not only saw the problem and came up with a solution—he delivered the solution.'
I have had a look back at the history of this organisation and pulled out a few dates as dot points along the way. In 1926, Flynn was responsible for the first successful wireless communication between Alice Springs and Hermannsburg. In 1936, the Tennant Creek Welfare Club opened. In 1936, Barkly Federal Methodist Inland Mission was established. In 1939, AIM transferred its Aerial Medical Service to a new national organisation and the Flying Doctor Service of Australia was created. In 1948, Griffiths House in Alice Springs opened to provide accommodation for school children. It is now known as St Phillips College. In 1949, Old Timers was established in Alice Springs. In 1954, even at Batchelor at Rum Jungle, the Welfare Club was established. In 1958, the Children's Hostel opened in Darwin. In 1983, the Tennant Creek Nursing Home opened. And the list goes on and on.

In 1977, the Uniting Church was established and the inland missions of the Presbyterian, Congregational and Methodist Churches were combined to form Frontier Services. Flynn's vision for outback people continues to be implemented today, with over 1,000 staff nationally in over 120 services, with 3,000 volunteers covering 7.5 million square kilometres—85 per cent of the landmass of this country—and 21 patrol ministers supporting more than 15,000 families. I am very familiar with and admire the work of Frontier Services in the Northern Territory and I want to use this speech tonight to pay tribute to their dedicated and professional staff, who continue to provide an amazing range of services and support to the communities they serve in the Territory.

A snapshot of the NT and Frontier Services takes you to the Mutitjulu Child Care Centre and Mutitjulu Community Care, Respite and Aged Care in Tennant Creek, Old Timers Village and Hetti Perkins in Alice Springs, the Katherine Hostel, Rocky Ridge and Stepping Stone—also in Katherine—Terrace Gardens, Tracey Aged Care and the Juninga Centre in Darwin, to name but just a few of the many services available. Frontier Services continues to deliver support so that regardless of where people live, they are within reach. The provision of medical, social and spiritual support is at the centre of the activities undertaken by Frontier Services. The dedication of the staff, their willingness to engage locally and the organisation's commitment to regional development ensures that John Flynn's legacy continues to deliver.

To Jan Trengrove, the chairperson, and to the board members of Frontier Services, past and present, I say that your work and vision ensure that Frontier Services maintains relevance in inland Australia. Your vision statement says:

In remote areas of Australia, reconciliation will become reality, hope will replace anxiety and despair, justice and equity will build community and everyone will have access to the services they need as we journey together.

Frontier Services—and not only in the Northern Territory but right around this country—congratulations on celebrating 100 years of working in and at the heart of inland Australia. I give you my very best wishes for a very grand vision and good luck for the next 100 years.

**Live Animal Exports**

**Senator BACK** (Western Australia—Deputy Opposition Whip in the Senate) (23:17): I recognise not only the calibre of people in the public gallery but also the wonderful quality of their attire. 'Sartorially resplendent' would be the term. I rise this evening to congratulate and recognise the 2,000-plus farmers and their supporters and associates who gathered in Fremantle on
Sunday morning, two days ago, to represent, stand up for and defend their industries, being agriculture generally, the livestock industries of Western Australia and, particularly, the live export industry. It was an event organised by Michael Trant from Geraldton, about 400 kilometres north of Perth, and he did so with less than 21 days of notice, when it became known that those opposing the live export trade were to gather in Fremantle to give voice to that opposition.

Mr Trant said at the time, 'I have had a gutful of this.' People from the North Kimberley—which is about 3,500 kilometres away—the Pilbara, Gascoigne, Murchison, the Goldfields and as far east as Esperance have also had a gutful. As I said in the media that same afternoon, the rural areas of WA may have lost their vote but, by Jove, they have certainly found their voice. What was absolutely encouraging to me was the fact that so many young people, particularly young women, were in evidence on Sunday and spoke so eloquently publicly in support of the industry.

You have heard me in this chamber speak again and again about the fact that animal welfare does not stop at Australia's borders. It is an international event. I say very proudly that we are the only one of 109 countries in the world that export live animals around the world that invests time, money, resources and effort in our target markets. I have been challenged to give evidence of it. I can certainly bring that evidence to the chamber this evening. A young lady by the name of Blythe Calman spoke to the group on Sunday before they moved further down to the Stirling Bridge and towards the wharf. She was in Qatar, in Doha, during the festival of Eid in mid- to late October. She advised us that she oversaw, along with other Australians, in Doha the processing of live sheep for religious celebrations during the festival of Eid.

She said that, in the past, the families may have wanted to take the animals away and process them themselves. Those families were still there but, as a direct result of the Australian intervention, the animals were to be processed by professionals and then taken away by those families. The importers were concerned and the families were concerned, but it all went well. The other interesting point Ms Calman said about that particular facility was that the sheep came not only from Australia but also from the Sudan, Georgia, Egypt, China, North Africa and from many other countries, and they were all processed under the Australian standards. That is the evidence of Australia improving animal welfare standards. I, as you know, become very intolerant when activists and others simply stand up and say that Australia has got no right beyond our borders. These are critically important trades for our country and particularly for your state and mine, Madam Acting Deputy President Pratt.

To reflect briefly, sheep numbers in the state of Western Australia have halved since 2005 from 25 million to 12½ million. We know, of course, that the live sheep industry complements the boxed meat industry, and I wish to dispel and put to bed the myth that we can just get rid of the live export trade and replace it with the meat trade. The best evidence of this is the fact that, historically, when we have lost live export trade in the Middle East, we have also lost the boxed meat trade. As I have said recently in this place, this year in Indonesia where we have lost 50 per cent of the live cattle exported to Indonesia, we have also lost 50 per cent of the boxed beef trade into that country. People have said to me, 'Well, if you didn't have the live sheep trade then, of course, there'd be far more employment for processors and abattoirs.' The reality is,
Madam Acting Deputy President, in our state and nationally, if we do not have the competition from the two trades, that 12½ million sheep will decline even further to the extent that it will not be economical to run meat processing operations in our state. We have already seen at Muchea just to the north of Perth that the average price of sheep in the sales this time last year was $86 a head while the average price this year is $32 a head.

Let me also put to bed the myth that is spoken so often about by those opposed to the trade which is that all of Australia is opposed to live exports. Interestingly, an independent nationally conducted survey in the last three weeks has indicated that 54 per cent of a survey group of 1,925 people support live exports, if it can be demonstrated to be undertaken humanely, 25 per cent were opposed and six per cent were undecided. I refer back to that 54 per cent, because 58 per cent of the people who identified themselves as Greens voters in fact supported the live export trade from Australia as long as we can show that it is undertaken humanely.

I have spoken at some length about the events recently in Pakistan with sheep that were needlessly and mercilessly killed, culled, by a group of people. I make these points in the brief time I have available to me. The first is that those animals were killed, culled, by criminals, by thugs. They were killed by people in an unauthorised way over and above the directives of the Supreme Court of Karachi, the judge of which had ordered that those animals not be culled until he was satisfied as to their health status. Of course, the health status of those Australian sheep was very, very good. The second point, over and above the ignoring of that court order, was the fact that the feedlot staff and the staff of the exporter were forced out of that feedlot at gunpoint. We have had people in this place say they should have maintained control of those animals. When you are being asked at the point of a gun to leave the facility, I think we all know what we would do.

The third point I make in relation to that is the fact that I have estimated—and the export has confirmed—that those 20,000 sheep would have dressed out at about 500,000 kilograms. That is 500 tonnes of sheep meat in a country where children are deprived of protein, where families starve leading up to the religious festival of Eid. It is unconscionable that 500 tonnes of sheep meat could have been thrown needlessly into a pit. It causes me to ask: given the fact that Australia actually gives aid of about $100 million a year to Pakistan and that that is within the 12 highest amounts of aid that we give to countries, why is our relationship with Pakistan not mature enough that that matter could have been dealt with? That is an area I certainly propose to take up in greater detail in this place later this year and next year.

In relation to the live export trade, I reserve my final comments for those about a question asked yesterday by Senator Rhiannon of Senator Ludwig, the Minister for Agriculture, Fisheries and Forestry, about the apparent aberration of behaviour in an abattoir in Chibanong, Indonesia, on 28 September. All we have heard is that an unnamed Animals Australia investigator was able to point to the fact that those animals were not in fact treated humanely and that for some reason there has been a breach of the Exporter Supply Chain Assurance System. The minister was asked to explain this.

I made it my business to establish what went on in that abattoir on that evening, and it is this. First of all, there were six Australian heifers. They were not part of ESCAS. There never was a requirement. But
the more important point about that evening that was made to me by those people who were at the abattoir or representing them was that, without any intervention by them, the Indonesian slaughtermen stunned those animals and processed them in a humane way. Why is it we in this place and in the wider media have to put up with the nonsense by media and by others when people can find out facts for themselves? It is something I believe must happen.

World Toilet Day

Senator BOYCE (Queensland) (23:27): Yesterday, as you, Madam Acting Deputy President Moore, and others in this place would well know, was World Toilet Day. In Australia we are in the luxurious position of being able to snigger at the prospect of a world toilet day. With very few exceptions, all our communities have good sanitation, and that is thanks to world's-best-practice plumbing regulations and to excellent training for the plumbers and drainers of Australia. We are fortunate in this respect, as we are in so many others in Australia.

World Toilet Day is no laughing matter. I am pleased to see that not only you, Madam Acting Deputy President, and others have spoken on this topic in the chamber but that the attitude of the chamber has changed since about three years ago, when it was first raised as an issue. I think we need to thank the representatives of AusAID; WaterAid; WASH Water, Sanitation and Hygiene; many organisations connected with the Millennium Development Goals; and thousands of others who have pushed hard to ensure that sanitation is an issue that got onto the agenda of improving the health of the world.

A hygienic toilet, it could be argued, is one of the most crucial weapons we can have in not only the fight against disease but also the fights against malnutrition, poor education and discrimination. I know that people have been very reluctant to talk about toilets and sanitation in much the same way as death is not a much-discussed subject within our society, but I think we could all be assisted by knowing that during a life span the average person will spend three years of their life using a toilet. That happens irrespective of whether the toilets are the luxurious ensuites that we use in Australia or simply a matter of trying to find a pit or a bush to use.

Two and a half billion people in the world live without proper sanitation. Almost 40 per cent of the world's population does not have a clean or private place to go to the toilet. They have to use fields, streams, rivers, railway lines, canal banks, roadsides, plastic bags, buckets and, if they are lucky, latrines, which are often not as sanitary as they should be. One gram of faeces contains 10 million viruses, one million bacteria, 1,000 parasite cysts and 100 worm eggs. So it is not at all difficult to see why, without proper disposal, human waste can contaminate water and food, and cause disease. According to the Water Supply and Sanitation Collaborative Council, the majority of illness in the world is caused by faecal matter. Diarrhoea, in fact, kills more children every year in the world than AIDS, malaria and measles combined. Every year about 60 million children are born into homes without access to sanitation. Half the hospital beds in developing countries are filled with people suffering from diseases caused by poor water, sanitation and hygiene. So not having a proper toilet is very dangerous. It is a situation that is getting worse.

There are in fact more people in the world without proper sanitation than there were in 1990, yet the benefits of good sanitation are very obvious from a disease perspective and also from figures that have been developed.
For every $1 invested in water and sanitation, an average of $9 is returned in increased productivity. And achieving universal safe access to water and sanitation would save 2½ million lives every year.

Sanitation is an issue that is particularly relevant to women. One in three women worldwide do not have access to a toilet—that is about 1.25 billion women and girls who have to defecate out in the open or in makeshift circumstances. The ramifications of this are not simply about having proper sanitation and therefore good health but are also about the struggle to find a toilet. We often hear stories about the struggle that people in developing countries have to find clean water and sources of water. But the issues around finding somewhere to go to the toilet are exactly the same and in some circumstances worse. It has been estimated that every year women and girls spend 98 billion hours trying to find somewhere to go to the toilet. This limits their opportunities to make an income and it limits their opportunity to go to school. The other side of that, which limits education, is that often schools do not have appropriate facilities for girls to use when they are menstruating, so they stay home when they are menstruating and that is a quarter of their educative life that they do not go to school.

The parliamentary briefing in late October, which was hosted by a group you chair, Madam Acting Deputy President Moore, the Parliamentary Group on Population Development, heard also about other tragic consequences of not having a safe place to go to the toilet and that is violence. Some women and girls have to walk for very long distances to find somewhere private to go to the toilet. Often they wait and go under the cover of darkness and this makes them vulnerable to verbal, physical and sexual assault. I heard stories from women in Papua New Guinea and in the Solomon Islands for whom that violence was a reality. Naturally enough, women tend to be alone and vulnerable when going to the toilet and this makes them likely to be at risk of great problems.

You mentioned Miriam Layton, Madam Acting Deputy President, who spoke about the fact that there are only two public toilets in the town of Goroka in the Eastern Highlands of PNG, which has a population of 40,000 people, so women and girls walk 15 minutes down the road. There was in fact a rape committed there not very long ago of a woman who was simply looking for somewhere to go to the toilet.

I had the privilege last year of visiting a couple of slums in Kampala in Uganda to look at the sanitation issues. It is quite difficult to paint the picture of those places. I visited the Action for Positive Change School, which is a school for students with disabilities. Whilst we were there on a Saturday one pupil arrived in his uniform because, clearly, if there were people at the school, then it must have been open for business and he was very keen to come. The girls, too, are now keen to come because, with the assistance of WaterAid, they have built a toilet block that allows the girls some privacy. They have also put in a toilet with a ramp so that students who have physical disabilities can go to the toilet at school. It is hard to comprehend what it must have been like before that toilet block was there. It must have been difficult. The Action for Positive Change School at Mulago is doing a fantastic job to assist.

We also visited a slum community, called Kitumbira, and went to the Immaculate Heart Community School where the students are actually building the school block by block. Some of the school is half built, but it is being done when they have some extra cash. Again, WaterAid, with Australian funding,
has built a toilet block there that has improved the situation for the students and for many of the teachers who live on site.

We then walked up a hill through the slum community of Kitumbira and saw a two-year-old girl collecting water in empty two-litre detergent bottles to take home to her mother. That water was from a water source that was known to be polluted. In that community most people could not afford to pay for the reticulated water that the government provided. We also saw a toilet block that had been built by the President of Uganda just before the election. Unfortunately, two years down the track, there were still padlocks on the doors of that toilet block, so people were left with a makeshift and dangerous situation. We must do more to assist in developing good sanitation.

Western Australia: Infrastructure

Senator PRATT (Western Australia) (23:37): Madam Acting Deputy President, I seek leave to speak for 20 minutes.

The ACTING DEPUTY PRESIDENT (Senator Moore): There being no objection, leave is granted to speak for 20 minutes, Senator Pratt.

Senator PRATT: This evening I rise to talk about the importance of the Gillard government’s investments in Western Australia. WA has all of the particular challenges associated with developing infrastructure in our big country, our wide brown land—vast distances, the great variety of communities and community needs and the absolutely essential need for government investment if we are to have infrastructure that lets our economy and our people fulfil their potential. As a Labor senator for WA I am proud of my state, of the strength and vitality of our economy and of the courage and resourcefulness of Western Australians. I am also proud of the investments and commitments of the federal Labor government to Western Australia.

Our state’s growth is rapid and it is terrific to see a record level of federal government investment coming into WA to keep pace with that rapid growth. It is a great shame, I think, that the WA state government, which should be at the forefront of developing and strengthening our state, is falling short of that challenge. It is falling short and trying to shift the blame for its own failings and papering over its mistakes by dishonestly pointing the finger at the Commonwealth. I, like other Western Australians, am tired of Premier Barnett and Treasurer Buswell using the Australian government as a convenient place to lay blame for their own failures. I am tired of them pretty much acting as if they can say anything they like, however outrageous or untrue, to Western Australians and get away with it.

A good example: a couple of weeks ago both Premier Colin Barnett and Treasurer Troy Buswell said that a request to reallocate funding to upgrade the Bindi Bindi Curve section of the Great Northern Highway was gathering dust on Minister Albanese’s desk. Actually, nothing could be further from the truth. The Australian government approved the state government’s request for a funding contribution of up to $16 million to a project the state government thought would cost about $20 million—so 80 per cent of the cost. Mr Barnett and Mr Buswell got their sums wrong. The project is going to cost double what they thought—$40 million. So it is their incompetence that has to do with the delay as the Australian government is now assessing the new request based on the new numbers.

The truth is, all up, the Australian government is currently spending $191 million re-routing the Great Northern Highway near Port Hedland to make it safer,
with a $71 million contribution from the state, and $14 million towards the replacement of the Big McPhee bridge—the only sealed road between Kununurra and Broome on the Great Northern Highway, the enormous Great Northern Highway that spreads the length, north and south, of our state.

Troy Buswell also accused the Australian government of being petty in asking for the billions of dollars it is investing in Western Australian infrastructure to be properly acknowledged in the taxpayer funded ‘Get the bigger picture’ campaign. Long-established contractual arrangements for funding between state and Australian governments require the state to acknowledge the Australian government funding on any public materials. I guess those contractual requirements just slipped Mr Buswell’s mind when he spent $1.5 million of taxpayers’ money on what, I believe, is false advertising, trying to pretend that the massive investment of the Commonwealth just does not exist.

I am sure I am not the only Western Australian not happy at having our own tax dollars spent in this effort to mislead us. It is, however, classic Barnett government behaviour, where they try to paint a picture to show that anything that is good that is happening in WA is all the result of their hard work and brilliance. The simple fact is the Commonwealth government, the Gillard Labor government, is putting $1 billion into the four projects covered by the ‘Get the bigger picture’ campaign. The $1 billion Gateway project is getting 69 per cent of its funding, or $686.4 million, from the federal government.

Gateway WA is a very significant upgrade of the roads around Perth, including the widening of the Tonkin and Leach highways from four to six lanes. Anyone who has travelled to and from Perth Airport knows how much we desperately need this infrastructure upgrade. It is a long-overdue and much-needed upgrade that simply would not be happening without this contribution from the Gillard government. Also, there is the Perth City Link undergrounding of rail, which is costing $360 million, of which $236 million, or 66 per cent, is coming from the federal government; and a pilot study for a light rail to link Perth's inner northern suburbs with the CBD—a cost of $15.8 million, of which $4 million has been provided by the federal government. There is nothing petty about a billion dollars, and that is what the Australian government is spending on infrastructure in Western Australia in just this year alone. That is just the infrastructure portfolio that I am talking about. There is an awful lot that is petty about Troy Buswell playing politics with a legitimate request from the federal minister that he fulfil contractual requirements. But it is the same old bleating from the WA Liberals: ‘WA Liberals good; Australian government bad.’ That is the way they like to portray things.

They need to answer not only on these issues but on more. Minister Anthony Albanese has rightly called on Colin Barnett to explain why the Oakajee port project has not made much better progress more than three years after the Commonwealth pledged more than $300 million for the scheme. With such growing infrastructure pressures from WA’s growing economy, I, like the minister, am left wondering if that money could have been spent more productively elsewhere.

We allocated this money back in 2009 because Premier Barnett said it was his top infrastructure priority for Western Australia. That money has been available for 3½ years, waiting to be spent. Under the original agreed time frame, when the project was first considered, we would have seen construction
well underway by now. However, it is not. The simple fact is that Western Australia desperately needs to get more port infrastructure up and running. We need to take the pressure off the port in Fremantle and off other ports up and down our coast. The truth is that Western Australia has never seen so much money flowing to it—certainly not under the Howard government.

The real picture is quite different to Colin Barnett’s ‘bigger picture’. State-wide, the Gillard government has almost doubled annual federal infrastructure spending from $154 to $261 per Western Australian. All up, we are investing a record $3.7 billion over six years to modernise the state’s transport infrastructure. We are investing $3.7 billion in roads and rail infrastructure—with $1 billion being provided in the coming financial year alone—over the six-year life of our current Nation Building Program, 2008-09 to 2013-14. This investment is almost twice what the former Howard government spent over a similar period of time in Western Australia and, as every one of us in Western Australia knows, that was a time when the state could really have done with more infrastructure money. We are bursting at the seams and we are growing rapidly.

Personally, I am particularly proud of Labor’s investment in Perth’s public transport. I know public transport is important and I know it is important to Perth, and so does the Gillard government. In contrast, how much did the Howard government spend on public transport in Australia? Zero dollars. The state Liberals in Western Australia have never built a centimetre of railway line in Western Australia. And, worse, our commuters, on our very well utilised train services, are being treated like sardines because of the failure of the state Liberals to keep up with investment and understand how important these public transport services are to Western Australians.

Then there is Commonwealth investment in our health and hospital services in WA. The federal government is fully funding a $255 million rehabilitation centre in association with the Fiona Stanley Hospital. Is that mentioned in the advertising for the Fiona Stanley Hospital as part of the Get the Bigger Picture campaign? No, it certainly is not. We are also spending $180 million on the Midland Health Campus. More than $40 million is being spent on primary care infrastructure in the state, and money is rightly rolling out to important health projects right around the state. For example, more than $50 million is going to the regional cancer centre for our south-west, which is well underway; $45 million is going to remote dialysis services; $12 million is going to a health care hub in Newman; and more than $5 million is going to help our very important Royal Flying Doctor Service upgrade its infrastructure. That is just health.

Let’s have a look at education. Look at what BER has delivered for WA schools. There has been an unprecedented level of investment in both government and non-government schools right around our state. It has resulted in enormous improvements to all our schools—improvements that were opposed by the Liberal and National coalition. In fact, there was more than $870 million spent in WA on rural and regional schools alone, excluding the many metropolitan schools that also benefited.

So I would caution Western Australian voters against attributing all the improvements to rural and regional communities around the state to Royalties for Regions. It is a much-lauded and important scheme, but people need to take a look at what is actually being funded, because much of this work is underpinned by
dollars from the Gillard government. Hundreds of vital local projects are being funded by the Commonwealth. Here is just some of what is happening: $15 million for the Carnarvon flood mitigation; $4.9 million for the West End recreation and entertainment precinct revitalisation in Geraldton; $2.5 million for St John Ambulance; and $1.2 million for Margaret River as part of the $5.9 million Surfers Point precinct redevelopment. And I had the great pleasure last week of being in Geraldton to commence the very first fibre haul for the National Broadband Network. These are just a few of the projects being funded by the Gillard government. I could go on—there are many, many more—but at this time of night I know you do not want me to.

What I will do is encourage Western Australians to take a look at the real picture around Western Australia. In that context, it would be remiss of me to talk about investment in WA without touching on the completely disingenuous debate about GST revenue that is taking place, a debate that is completely pulling the wool over the eyes of voters, including the ridiculous 'milking WA' ads that the coalition ran at the last election. Joe Hockey and the coalition have made it absolutely crystal clear that they have no intention of reversing the GST deal signed off by Richard Court and John Howard. In fact, it is Labor that has seen a review of GST revenue, a review that has reported to the Commonwealth and will be public in the near future, a review that is looking at how that money should be distributed between the states.

The simple fact is we have never seen so much money flowing into WA from the Commonwealth for important infrastructure investments—and justly so. WA communities need investment and support to continue to grow and to be secure. They need investment in road, rail, public transport, schools and community infrastructure to cope with what are at the moment pretty enormous pressures of growth. That is why support for the minerals resource rent tax has grown in WA. Western Australians, when times are good, want to see mining companies pay their fair share and for this money to come back to important community infrastructure in our state. It is wrong that the Liberals should want to roll back the minerals resource rent tax and risk billions of dollars of revenue. But what I find equally puzzling and surprising is that the Liberals would want to revert to a royalty regime, a regressive tax, at a time when commodity prices are down, hitting jobs and investment opportunities in my state. This is the very same argument that they put forward against the minerals resource rent tax to start with—that it would hit investments, jobs and people's lifestyles in WA.

What I would like to say in closing is that the Gillard government is getting on with the very important job of investing in WA—and rightly so. We are a growing state, the powerhouse of exports for our nation's economy. The Commonwealth are investing in WA because we believe in WA. We believe in its people. We believe in its future. We know that not only is it fair and in the best interests of Western Australia that the Commonwealth government invests in our state but it is in the best interests of the nation to invest in a state that has so much potential, a state that, in this Asian century, is part of Asia. The Gillard government understands the importance of Western Australia and the importance of supporting development in our great state. It is a crying shame that the Barnett government seems to understand neither.
People, Palestinians and Israelis, are being killed. Most are dying in Gaza, a strip of land described by many as the world’s largest open-air prison. This issue is causing great distress to many Australians who have relatives and colleagues in this region. Some Palestinians with family members in Gaza have spoken to me about their concerns. Aid workers in this region have been in touch to speak of their anguish at the loss of lives and the destruction of development projects in Gaza. One of the recent emails I received from an aid worker described everyday life in Gaza, where they never know when or where a missile will land and they are living all the time with the humming of drones and the sound of jets overhead. People described to me feelings of dread and trauma. This person told me: ‘There is no comparison to what the Israelis face now and what the Gazans face every day.’

The tragic battle being waged in one of the most densely populated areas in the world due to Israel's blockade is a David-and-Goliath battle. Palestine—the West Bank and Gaza—is a weakened and restricted economy under the illegal military occupation and blockade by Israel. The CIA website states: ‘Israel security controls placed on the Gaza Strip have resulted in high unemployment, elevated poverty levels and the near collapse of the private sector that had relied on export markets.’

Olivier De Schutter, UN Special Rapporteur on the Right to Food, speaking last year about food insecurity in Gaza noted that at least two-thirds of Gazan households lack secure access to food. He stated: ‘People are forced to make unacceptable trade offs, often having to choose between food or medicine or water for their families.’ Mr De Schutter also stated that about one-third of Gaza's arable land and 85 per cent of its fishing waters are totally or partially inaccessible due to Israeli military measures—this is from a United Nations Relief and Works Agency report. The reality of daily life in Palestine is harsh.

For the last decade, the socioeconomic situation in Gaza has been in steady decline. Years of conflict and closure have left 80 per cent of the population dependent on international assistance. The tightened blockade imposed following the Hamas takeover of Gaza in June 2007 has decimated lives and livelihoods, resulting in the impoverishment and de-development of a highly skilled and well-educated society. Despite adjustments made to the blockade by the government of Israel in June 2010, restrictions on imports and exports continue to severely hamper recovery and reconstruction. As of 1 January this year this agency, the UNRWA, was overseeing eight refugee camps within Gaza, and 242 schools for 218,048 pupils. Over 1.5 million people live in Gaza, a tiny area of only 365 square kilometres. Almost 1.2 million are refugees—Palestinians who have the legal right to return to their country of origin as set out in the Universal Declaration of Human Rights.

Israel is engaged in land and sea based bombing where these people live. There is now talk of a ground assault. Hamas is firing hundreds of rockets into Israel. Israel is the world's fifth-largest military power. This year it will receive about US$3 billion in military aid from the USA. The disproportionate aspect of this war needs to be understood. The comments of Anglican
priest Father Dave of Dulwich Hill in Sydney help explain this important issue:

I appreciate that there are casualties on both sides of this conflict, and indeed I grieve for the Israeli dead as I do for the Palestinian dead, but a war suggests that there are two armies involved in this conflict. There are not two armies. There is one army. It is a highly-trained and well-equipped army. Fighting this army are disparate groups of home-grown militia-men.

Father Dave then quotes Noam Chomsky’s comments, which are also useful:

Israel uses sophisticated attack jets and naval vessels to bomb densely-crowded refugee camps, schools, apartment blocks, mosques, and slums to attack a population that has no air force, no air defense, no navy, no heavy weapons, no artillery units, no mechanized armor, no command in control, no army…and calls it a war. It is not a war, it is murder.

When Israelis in the occupied territories now claim that they have to defend themselves, they are defending themselves in the sense that any military occupier has to defend itself against the population they are crushing. You can't defend yourself when you're militarily occupying someone else's land.

Australia can play an important role in achieving justice and peace in this region. It is the Australian Greens’ position that our government should halt military cooperation and military trade with Israel. The government should have taken such action after the 2008 attack on Gaza. Now Australia is a member of the UN Security Council, there is a greater expectation that our Minister for Foreign Affairs, Bob Carr, and other key Australian representatives will take an independent position and not just vote en bloc with the US and Israel, as they have in the past.

Those involved in the conflict in Israel and Palestine should immediately cease all armed attacks so no civilians are under threat. In recent days, we have heard Israeli government spokespeople assert that no country, no people, should have to put up with the rocket attacks Israel is being subjected to. Interestingly, this statement could also be framed as: no people should have to put up with what the Palestinians have had to endure—eviction from their homes and land in 1948. In 1967, both the West Bank and Gaza came under military occupation by Israel. That occupation was accompanied by the building of illegal settlements or colonies for Jewish Israelis only.

At present, Israeli authorities know that the international community affords them a high level of impunity. The Israel Defense Forces engage in repeated violations of international law. The United Nations Fact Finding Mission on the Gaza Conflict found that, in the lead-up to the Israeli military assault on Gaza in 2008-09, Israel had imposed a blockade amounting to collective punishment and carried out a systematic policy of progressive isolation and deprivation of the Gaza Strip. During the Israeli military operation known as Operation Cast Lead, more than 1,400 people were killed, including more than 340 children. Much infrastructure—houses, factories, wells, schools, hospitals, police stations and other buildings—was destroyed. Every effort needs to be made to ensure that similar death and destruction is not the result of Israel's latest operation against Gaza, codenamed Operation Pillar of Defense.

The mission report on the 2008-09 assault concluded that the Israeli military operation was directed at the people of Gaza as a whole. The report states that Israeli acts that deprive Palestinians in the Gaza Strip of their means of subsistence, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, and that limit their rights to access a court of law and an effective remedy could lead a competent court to find
that the crime of persecution, a crime against humanity, was committed. Head of the UN fact-finding mission, Justice Richard Goldstone, told the Human Rights Council:

The Government of Israel has a duty to protect its citizens. That in no way justifies a policy of collective punishment of a people under effective occupation, destroying their means to live a dignified life and the trauma caused by the kind of military intervention the Israeli Government called Operation Cast Lead.

Justice Goldstone also commented on the impact of the armed conflict associated with Operation Cast Lead on young people, who:
… grow up in a culture of hatred and violence, with little hope for change in the future. Finally, the teaching of hate and dehumanization by each side against the other contributes to the destabilization of the whole region.

The failure to implement the recommendations of the report of the UN Fact Finding Mission on the Gaza Conflict, and the willingness of Australia, the USA and other countries to overlook Israel's repeated violations of international law, have resulted in the de facto sanctioning of Israel's disproportionate use of force in the Gaza Strip by the international community. Many Palestinians fear that there is nothing to prevent the crimes of Operation Cast Lead from being committed again. These fears are being borne out by the current escalation in violence, which closely mirrors the lead-up to the 2008-09 military assault on the Gaza Strip.

As the occupying power, Israel is under an obligation to take all necessary measures to protect the civilian population of the occupied Palestinian territory. According to the rules of international humanitarian law, the Israeli military must at all times distinguish between civilian and military targets. In addition, Israel must adhere to the principle of proportionality, which states that any attack that may be expected to cause loss of civilian life, injury to civilians or damage to civilian objects which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited.

Despite the grossly asymmetrical nature of the conflict, Palestinian armed groups are also under the obligation not to target civilians. We need to remember that violence perpetrated against Palestinian people is not just with rockets. The apartheid wall or separation barrier enclosing much of the West Bank is causing hardship and suffering. Banksy—the graffiti artist—on a visit to Palestine said the wall essentially turns Palestine into the world's largest open prison.

Ten years after construction began on the separation barrier, a report by B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, on the impact of the wall adds a further dimension to understanding the injustice and discrimination that Palestinians live with on a daily basis. The main conclusion of the report, Arrested Development, is that since the construction of the barrier Palestinians in nearby communities have lost the ability to make profitable use of their lands— their major remaining resource. The wall is two-thirds completed and the agricultural economy has shrunk drastically in the West Bank areas once considered stable. The report found that prices of goods and services in some areas rose following the institution of lengthy security checks on goods and persons. In some areas, agricultural production dropped as a result of the lack of permits granted to farmers and the need to frequently renew them, while farmers shifted from affordable and competitive crops to those not requiring continual daily cultivation. One town, Bir Nabala, isolated from adjacent East Jerusalem, has seen commercial activity paralysed. This injustice and the violence must end.
As I speak here in secure, peaceful Australia my thoughts are with the people of the Middle East. Let us all add our voices to the growing call for an immediate end to the violence from both sides; for the immediate and unconditional withdrawal of Israeli military from all Palestinian cities, refugee camps and transport routes; for an end to the blockade of Gaza; and for the dismantling of the separation wall. Peace can only be achieved when justice is restored.

Back in Australia, on a critical local issue, last week I found myself asking the question: which is more precious, a koala colony or a new coalmine? In New South Wales the state government's Planning Assessment Commission has given the go-ahead for the new Maules Creek coalmine. In doing so it has approved the destruction of large tracts of valuable koala habitat in north-west New South Wales from a massive open-cut coalmine proposal that would destroy 2,000 hectares or around 2,800 football fields of forest, even though the area is mapped as tier 1 biodiversity land in the New South Wales government's own strategic regional land-use policy and the project's ecological impact assessment states that the mine could have a substantial impact on local biodiversity and threatened species. It has given the mine the go-ahead. The Leard forest is the largest remaining biodiversity refuge on the already heavily cleared Liverpool Plains. It is home to a koala population that will have nowhere else to go if the proposed Maules Creek coalmine goes ahead. Now only the federal government stands in the way of the bulldozers.

Across Australia, koalas and the forests they call home face growing pressure from logging, mining and developments that are destroying koala habitat piece by precious piece. They need stronger federal protection than ever before. Koalas in New South Wales, Queensland and the ACT have been listed as a vulnerable species. They are under threat because their habitat is fast diminishing. Each new development and mine on or near koala habitat threatens the future of the species. My colleague Greens New South Wales MP Cate Faehrmann recently visited the Leard forest and saw firsthand just why this forest is too precious to lose when she spotted a koala sitting low in a tree. Ms Faehrmann said despite overwhelming health and environmental arguments against it, the New South Wales Planning Assessment Commission approved the mine on 25 October. This disgraceful decision demonstrates the New South Wales planning system is weighted heavily in favour of big mining. This represents a serious test for Mr Burke, the federal environment minister.

These koalas deserve our care and our foresight to protect their habitat for the future survival of their species. Along with the koalas, 25 other threatened plant and animal species are also at serious risk of losing their habitat if the Maules Creek mine goes ahead, especially the critically endangered white box gum woodland. Minister Burke could reject the proposed Maules Creek mine under our federal environment laws. But, as we know, he is preparing to trash most of his own powers at a Council of Australian Governments meeting on 7 December.

Big business and mining giants think it should be easier for them to dig, chop down and build whatever they want wherever they want, and sadly it looks like Minister Burke and the Labor party agree. We need stronger federal environment laws to protect koalas and their precious native forest habitat. Many koalas have the great misfortune to live in native state forests that are still being heavily logged to feed the dying woodchip industry. People are rightly horrified when they learn that vital koala habitat is still being felled to
create woodchips, even though the bottom has fallen out of the international woodchip market.

The native forest logging industry still holds extraordinary and undue influence over state governments. Because of the federal government's toothless regional forestry agreements, the states can continue to approve logging in forests that provide precious koala habitat. The recent listing of the koala in New South Wales, Queensland and the ACT as a vulnerable species does not give them protection from logging. We need people in power to push koalas to the top of the government's agenda. I am sure there are senators in both Labor and the coalition parties who care deeply about the future survival of the koala. I believe saving koalas can be an issue for cross-party action. I hope we can work together for better protection for koalas and their habitat, for nationwide listing of koalas as a vulnerable species, for ending native forest logging in state forests where koalas live and for providing federal funding to better monitor koala habitat and populations to ensure their long-term survival.

**Senate adjourned at 00:12 (Wednesday)**

**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.]

Environment Protection and Biodiversity Conservation Act—


Environment Protection and Biodiversity Conservation (Cartier Island Marine Reserve) Amendment Proclamation 2012 (No. 1) [F2012L02187].


Environment Protection and Biodiversity Conservation (Mermaid Reef Marine National Nature Reserve) Amendment Proclamation 2012 (No. 1) [F2012L02183].

Environment Protection and Biodiversity Conservation (Ningaloo Marine Park – Commonwealth Waters) Amendment Proclamation 2012 (No. 1) [F2012L02184].

The following government documents were tabled:

- Executive Director of Township Leasing—Report for 2011-12.
- Fair Work Building Industry Inspectorate (Fair Work Building and Construction)—Report for the period 1 June to 30 June 2012, including report of the Australian Building and Construction Commissioner for the period 1 July 2011 to 31 May 2012 [Final report].
- Royal Australian Navy Central Canteens Board (RANCCB)—Report for 2011-12.
Treaties—

Bilateral—

Text, together with national interest analysis—Exchange of Notes, done at Tokyo, 2012, constituting an Agreement to further amend the Schedule to the Agreement between the Commonwealth of Australia and Japan for Air Services, done at Tokyo on 19 January 1956, as amended.


Multilateral—


QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Indigenous Employment**
(Question No. 2000)

Senator Wright asked the Minister representing the Minister for Indigenous Employment and Economic Development, upon notice, on 6 August 2012:

(1) Has the Indigenous Opportunities Policy achieved an increase in the number of Indigenous Australians trained and employed through the Government contracting process; if so:

   (a) can statistical data and evidence that clearly shows growth in Indigenous training and employment since the inception of the Indigenous Opportunities Policy in 2003 be provided; and

   (b) how is any such increase in Indigenous training and employment a direct result of the policy.

(2) Has the Indigenous Opportunity Policy resulted in an increase in the level of involvement of Indigenous businesses in the delivery of goods and services under Australian Government contracts; if so:

   (a) what number of Indigenous businesses are currently involved in the delivery of goods and services under Australian Government contracts; and

   (b) what number of Indigenous businesses were involved in the delivery of goods and services under Australian Government contracts in 2003, and also over the past 5 years.

(3) Given the Department has stated that agencies to which the Indigenous Opportunities Policy applies 'will need to strengthen their procurement policies and processes to accord with the … policy', of how has this transpired and can an explanation be provided, by way of example, how this policy is operating so as to improve employment outcomes for Indigenous Australians.

(4) Can examples be provided of how the exemption from compliance with the mandatory procurement requirement for small or medium enterprises (those with at least 50 per cent Indigenous ownership), is operating and whether it is enabling Government agencies to contract directly with those Indigenous enterprises.

(5) Has a review of the operation of the Indigenous Opportunities Policy and/or the exemption for Indigenous enterprises been undertaken; if not, when will a such review be undertaken.

Senator Wong: The Minister for Indigenous Employment and Economic Development has provided the following answer to the honourable senator's question:

The Indigenous Opportunities Policy (the Policy) aims to increase the number of Indigenous Australians trained and employed as a result of awarding large Australian Government contracts, as well as increasing the level of involvement of Indigenous businesses in the delivery of goods and services under those contracts. The Policy applies to all Commonwealth Agencies covered by the Financial Management and Accountability Act 1997 (FMA Agencies). The original Policy was introduced in 2003 and the revised Policy was implemented on 1 July 2011. No data was collected on the operation of the original Policy from 2003-2011.

A major change to the Policy was making it mandatory for FMA Agencies to apply the Policy to Approaches to Market run by FMA Agencies:

- which result in a contract or contracts each valued at over $5 million ($6 million in construction) (GST inclusive), and
- for which the resulting activities or services take place in a region or regions with a significant Indigenous population.
The Policy requires organisations awarded contracts for Australian Government business affected by the Policy to have an Indigenous Australian Training, Employment and Supplier Plan (Plan) in place, approved by the Department of Education, Employment and Workplace Relations. It is each FMA Agency's responsibility to apply the Policy appropriately within its procurement processes and Agencies are asked to report annually on their implementation of the Policy via the FMA Agency Report. Each organisation with an approved Plan is also asked to report annually on implementation of its Plan via the Implementation and Outcomes Report. Although it is not possible to report on the impact of the revised Policy to the level of detail requested, the Policy is having a positive impact on the approach of many organisations to training and employing Indigenous Australians and using Indigenous suppliers. This can been seen in the 88 Indigenous Australian Training, Employment and Supplier Plans approved since the revised Policy commenced on 1 July 2011. As at 31 August 2012, references to the Policy have been identified in eighteen (18) approaches to market:

- six (6) with the Department of Education, Employment and Workplace Relations (DEEWR)
  - education and training services
  - project management
  - building construction and support and maintenance and repair services
  - community and social services
  - software
- six (6) with the Department of Defence
  - personnel recruitment
  - community and social services
  - building construction and support and maintenance and repair services
  - health services
- two (2) with the Department of Broadband, Communications and the Digital Economy
  - project administration or planning
  - information technology/broadcasting and telecommunications
- two (2) with the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)
  - research programs.
  - infrastructure project
- one (1) with the Defence Materiel Organisation
  - uniforms
- one (1) with the Australian Taxation Office
  - communication contact centre.

Of the eighty-eight (88) Plans approved as at 31 August 2012:

- thirty-five (35) are based in New South Wales
- ten (10) are based in Victoria
- eighteen (18) are based in Queensland
- eight (8) are based in South Australia,
ten (10) are based in Western Australia
three (3) are based in Tasmania, and
four (4) are based in the Northern Territory.
The industry groups listed below are represented among the organisations that have approved Plans:
architecture/engineering and design (1)
community support services (2)
construction (20)
electrical / electronic manufacturing (1)
employment services (51)
engineering and design (3)
facilities management and cleaning (1)
information technology and services (2)
manufacturing (1)
project management (4)
retail (1), and
telecommunications (1).
As at 31 August 2012, six (6) organisations had submitted their implementation and outcomes Report.
all six (6) organisations have had their Report approved
five were not awarded any contracts to which the Policy applies, and
one (1) organisation currently has a contract in place to which the Policy applies.
The Policy will be reviewed once there is sufficient data about the operation of the Policy to enable a robust review; this is expected to be in the next financial year.

Round One Energy Efficiency Information Grants
(Question No. 2140)

Senator Abetz asked the Minister representing the Minister for Climate Change and Energy Efficiency, upon notice, on 6 September 2012:
(1) Can a detailed outline be provided of what information each of the 'industry associations and non-profits' provide to small and medium sized enterprises and community organisations in order to fulfil the requirements of the grant.
(2) What expertise does each recipient have enabling them to provide businesses and other organisations with energy efficiency information that will reduce energy costs; and how was that ascertained or assessed by the department.
(3) Can separate lists be provided of the: (a) industry associations; and (b) non-profit organisations that were awarded grants, outlining the basis on which these groups were chosen over other associations and non-profit groups.
(4) Was consideration given to the funding break-up for each of these groups (industry and non-profit); if so, how was it applied.
(5) Can a list be provided detailing, for each grant recipient, the names of each small and medium enterprise and community organisation that is being assisted by the provision of 'tailored energy efficiency information' as stipulated by the grant requirements.

(6) Is each grant recipient required to provide key performance indicators to the department demonstrating that they have been successful in reducing the energy costs of the small and medium enterprises and community organisations they are assisting; if so, how; if not, why not.

(7) How and on what basis does the department assess the effectiveness of the 'tailored energy efficiency information' that each grant recipient is providing, including an example of such an assessment.

(8) What: (a) understanding of business; (b) business connections; and (c) business memberships, are the recipients required to outline in their submissions in order to fulfill the brief provided by the department; if such information was not sought, why not.

(9) Will the second round of funding under the EEIG Program, scheduled for October 2012, go ahead, particularly given the recent Government announcement of a 'razor gang' on grants.

(10) Will the Program Guidelines and Application form for Round Two differ from those in Round One; if so: (a) how and on what basis will the changes be made; and (b) when will the Program Guidelines and Application forms for Round Two be finalised.

(11) Is the department engaging with stakeholders to develop a more effective program; if so, can a list of those stakeholders be provided.

(12) Was any consideration given to the Australian Greens and their stakeholders when compiling the final list of Round One grant recipients.

(13) Are local, state and federal government groups allowed to apply for the grants.

Senator Ludwig: The Minister for Climate Change and Energy Efficiency has provided the following answer to the honourable senator's question:

(1) Details of the Round One Energy Efficiency Information Grants (EEIG) Program projects are provided at Attachment A.

(2) The EEIG Program is a competitive, merit-based grants program. Eligible applications were assessed by an independent expert committee against the merit criteria published in the Program Guidelines.

The Program Guidelines contained a number of merit criteria designed to ensure applicants possessed the appropriate expertise. For example, applicants were advised to demonstrate in their proposals the frequency, depth and nature of past interactions with the target audience; an understanding of previously successful delivery methods; and whether they have access to appropriate technical energy efficiency expertise in the project design and product development.

(3) The list of Round One EEIG Program recipients at Attachment A indicates whether they are industry associations or non-profit organisations.

The EEIG Program is a competitive, merit-based grants program. Eligible applications were assessed by an independent expert committee against the merit criteria of project effectiveness, project design and management, and value for money.

(4) No.

(5) The target audience of each EEIG Round One project is outlined in the table provided at Attachment A.

(6) EEIG recipients are required by their funding agreements to develop and implement project evaluation plans. The evaluation plans are to include pre- and post-project surveys to capture the degree to which project activities have impacted upon the target audience.
(7) EEIG recipients are required by their funding agreements to develop and implement project evaluation plans. The evaluation plans are to include pre- and post-project surveys to capture the degree to which project activities have impacted upon the target audience.

EEIG recipients are also required by their funding agreements to provide the Department with a draft of the energy efficiency information that they are intending to disseminate to their target audience. This will provide opportunity for the Department to review and provide comment on the likely effectiveness of the information.

(8) The EEIG Round One Application Form required applicants to outline their understanding of the need for their proposed project by their target audience (of small and medium enterprises or community organisations) and the extent of their existing relationship with the target audience.

(9) The Department is preparing for the opening of Round Two of the EEIG Program in October 2012.

(10) The EEIG Program Guidelines and Application Form for Round Two may differ from those provided in Round One. Any changes made are likely to be based on the lessons learned from Round One.

The EEIG Program Guidelines and Application Form for Round Two will be released prior to the call for applications.

(11) The EEIG Program Guidelines and Application Form for Round Two may differ from those provided in Round One. Any changes made are likely to be based on the lessons learned from Round One, including lessons learned from both successful and unsuccessful applicants.

(12) No.

(13) Under the EEIG Round One Program Guidelines, state and territory government agencies were allowed to apply for funding in certain circumstances. This was limited to where it was necessary for state or territory government agencies to provide governance or administrative support to other partners to an application.

ATTACHMENT A

<table>
<thead>
<tr>
<th>Energy Efficiency Information Grant (EEIG) Program - Round One Projects</th>
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</thead>
<tbody>
<tr>
<td><strong>Recipient Name</strong></td>
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<tr>
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<tr>
<td>Australian Conservation Foundation</td>
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</table>
## Energy Efficiency Information Grant (EEIG) Program - Round One Projects

<table>
<thead>
<tr>
<th>Recipient Name</th>
<th>Type of Organisation</th>
<th>Project Title</th>
<th>Description of Project</th>
<th>Target Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Foundry Institute - South Australia</td>
<td>Industry association</td>
<td>National Foundry Industry Energy Efficiency Information &amp; Support Program targeted to SME foundry &amp; casting businesses</td>
<td>The Australian Foundry Institute (AFI) and its partners CAST, Australian Die Casting Association (ADCA) and 2XE propose to develop and roll-out a national Foundry Industry Energy Efficiency (FIEE) information and support program, targeted towards the decision-makers of Australia’s foundry and die casting industries. The FIEE program aims to: 1) help decision-makers of foundry businesses to be more informed about the opportunities for energy efficiency in their business; 2) provide foundry businesses with the necessary do-it-yourself tools and guidance to identify energy efficiency opportunities for their businesses; 3) provide foundry businesses with the appropriate support necessary to take them from being ‘informed’ to being able to have what they need to make the necessary decisions to invest in energy efficiency improvements. The FIEE program will provide a ‘do-it-yourself’ energy efficiency toolkit and online portal for SMEs, peer-group workshops and a one-on-one energy efficiency support program for 100 companies.</td>
<td>SMEs (manufacturing industry), i.e. foundry, die casting and affiliated businesses across Australia</td>
</tr>
<tr>
<td>Australian Hotels Association</td>
<td>Industry association</td>
<td>Hotel Energy Efficiency Information Program</td>
<td>A cohesive national energy efficiency information program directly targeted at AHA’s SME members. This program will help AHA’s SME members understand where and how energy is used, and to understand and communicate the opportunities for reduction and resource efficiencies. The AHA will form two Advisory Groups (one for Pubs and one for Accommodation) to help guide the development of information products. These groups will be made up of organisations from across the supply chain to provide insight, expertise and knowledge. The following information products will be the delivery methods: development of a supply chain map of energy use; a series of up-to-date factsheets including information (for the two streams of Pubs and Accommodation) on: energy efficiency in business planning / infrastructure and equipment choices (e.g. cool rooms) / interpreting utility bills and tariffs / lighting / behaviour and staff awareness and negotiation barriers; a series of 34 before- and after-programs energy audits; and case studies of leading Australian practices and exploring international examples.</td>
<td>SMEs (accommodation and Tourism), i.e. pubs and independent accommodation providers nationally</td>
</tr>
</tbody>
</table>
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<tr>
<td>Australian Tourism Export Council Ltd</td>
<td>Non-profit organisation</td>
<td><em>Tourism's Bright Future</em></td>
<td>Developing an EEIG training program for tourism sector SMEs specifically tailored to the needs of the tourism industry to develop key sustainability skills. The program will build the capacity of, and empower businesses so that they can employ informed decision making to successfully achieve optimal energy efficiency and reduce their energy costs. The Tourism's Bright Future program will: 1) provide a 'low commitment' and 'time efficient' entry point to energy efficiency, 2) establish awareness amongst tourism sector SMEs of opportunities to reduce energy costs, 3) provide quality information from a trusted source; and 4) empower tourism sector SMEs to make informed decisions about energy efficiency.</td>
<td>SMEs (accommodation and tourism), i.e. tourism sector SMEs across Australia</td>
</tr>
<tr>
<td>Brisbane GreenHeart CitySmart Pty Ltd</td>
<td>Non-profit organisation</td>
<td><em>Green Business Leaders Energy Saver Project</em></td>
<td>This project targets 300 SMEs in Brisbane and offers convenient interaction channels for time poor businesses including on-line, workshops and advisory services (phone or site visit). To ensure information leads to action, key decision makers will be targeted with continuous engagement. Recognition and rewards programs, together with staff engagement programs, will be offered and community based social marketing techniques used. A working group of ENERGEX, CitySmart, USQ and Low Carbon Australia will be responsible for tailoring the information products.</td>
<td>SMEs (multiple sectors), i.e. SMEs based in greater Brisbane that are located in the Business South Bank precinct or provide goods and services to Rio Tinto as a supplier</td>
</tr>
<tr>
<td>Burnett Inland Economic Development Organisation</td>
<td>Non-profit organisation</td>
<td><em>Clean and Clever: Energy - Enabling small business and communities to make informed choices about energy efficiency</em></td>
<td>This project will build on an 18mth research and development pilot, to address identified shortfalls in understanding, awareness, attitudes, behaviours and engagement in energy efficiency. The project will: 1) extend research and development to the entire Burnett Mary Catchment; from the west (original pilot location) to eastern sub-regions; examining new industry and community sectors; 2) create and disseminate 12 information products customised (in delivery and content) for target markets and rural/regional conditions. The project aims to improve awareness, knowledge and ability to implement positive improvements and innovations in energy efficiency through proven processes and resources, including: 1) sector specific forums/demonstrations/workshops; 2) generic and customised information products; 3) client-customised assessment, measurement, monitoring, recommendation</td>
<td>SMEs and community organisations (multiple sectors), i.e. SMEs, non-profits, regional councils, landholder/primary production/industry groups, training, education and employment institutions throughout the Burnett Mary Catchment</td>
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</table>
### Energy Efficiency Information Grant (EEIG) Program - Round One Projects

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<tbody>
<tr>
<td>Central Victorian Greenhouse Alliance Inc. Association Victoria</td>
<td>Non-profit organisation</td>
<td>Your Business Your Future- showing small business the light on energy efficiency</td>
<td>The recipient will engage the SME operators in a conversation highlighting the changes to the structure and costs of energy system, the need for a future energy vision, and the rising costs of delivering energy to their businesses. The message will be the good business sense that implementing energy efficiency measures makes for all SMEs. The recipient will engage at least 500 small and medium businesses through its key stakeholder networks and identify businesses as examples for a wider network of local businesses. A double tiered approach will be taken to engage businesses: firstly using key stakeholder organisations and local business networks to identify 20 leading edge enterprises across a range of sectors, with the intention of recruiting them to become examples; and secondly, a regional road show across the CVGA region (potentially accessing at least 500 SMEs). The recipient will engage with a range of business sectors within these local communities. A portable demonstration package will be developed to showcase energy saving options linked to cost benefit data.</td>
<td>SMEs (multiple sectors), i.e. Central Victorian professional services sector, rural services, commercial office sector and retailers</td>
</tr>
<tr>
<td>Community Children's Centres SA</td>
<td>Non-profit organisation</td>
<td>Energy Efficiency Information Program for Community Children’s Centres in South Australia</td>
<td>The project is designed to inform Community Children’s Centres in South Australia on the benefits to the environment and to business profitability of adopting energy efficiency initiatives. Centre Directors from every Community Children’s Centre in South Australia will be contacted and given the opportunity for their centre to participate in an Energy Efficiency Information Program (EEIP) for a fee of $200 for up to three staff to attend. An EEIP will be developed for Community Children’s Centres in South Australia by Sustainable Directions Pty Ltd. The EEIP will be largely based on the highly successful 6P Green Program that has been developed by Sustainable Directions and undertaken by SMEs over the past 18 months. The main components of the EEIP for Community Children’s Centres in South Australia will be: interactive workshops,</td>
<td>Community organisations (children’s services), i.e. Centre Directors of SME Community Children’s Centres in South Australia</td>
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<tr>
<td>Conservation Council of South Australia Inc</td>
<td>Non-profit organisation</td>
<td>Green Hubs Energy Efficiency Program: Providing Energy Efficiency to Community Organisations in SA</td>
<td>energy assessments, carbon management system, the provision of a template suite of environmental policies/procedures and action plans, specifically developed for the Child Care sector, ongoing support for a period of 12 months, regular newsletters, follow up and review. The Green Hubs Energy Efficiency Program will be an evolution from the recipient's existing Green Hubs Program. The program will develop energy efficiency presentations and support material, recruit volunteer presenters from community organisations and then train them to deliver to their organisation on energy efficiency. Organisations will be also encouraged to become an 'energy efficiency' Green Hub. The recipient will provide these with services such as a free energy audit, assistance to put together an action plan, information about energy efficient appliances and devices, information on possible funding sources, and assistance with grant applications. The CCSA website will function as a go-to resource for organisations interested in becoming more energy efficient, featuring energy efficiency information and a blog for organisations to share success stories and information.</td>
<td>Community organisations (general), i.e. Community clubs and organisations including football clubs, bowling clubs and other sporting organisations and also environmental and community organisations who are members of the Conservation Council SA and community organisations such as Scouts, Guides and RSL clubs</td>
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<tr>
<td>Dairy Australia Industry association</td>
<td>Industry association</td>
<td>Smarter energy use on Australian dairy farms</td>
<td>This project will provide the information and technical support needed to connect Australian dairy farmers with practical opportunities for improving farm energy efficiency. It will do this through: development and dissemination of targeted information resources, including an on-farm energy efficiency assessment tool; training of trusted industry service providers to undertake farm energy efficiency assessments and to facilitate ongoing adoption; delivery of on-farm energy efficiency assessments that deliver recommendations for cost-effective improvements. Recommended options may include changes to management practices, optimisation of current equipment and/or capital investment.</td>
<td>SMEs (agricultural Industry), i.e. dairy farms throughout Australia</td>
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### Energy Efficiency Information Grant (EEIG) Program - Round One Projects

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<tr>
<td>Do Something!</td>
<td>Non-profit organisation</td>
<td>EnergyCut.com.au - The Energy Efficiency Portal for SMEs &amp; Community Groups</td>
<td>This project will disseminate practical advice and money saving energy efficiency information to SMEs and community organisations. The project includes: (a) an SME energy efficiency web portal; (b) for time poor SME owners/community organisations who are too busy to read the information on the web portal, it will be condensed into targeted YouTube videos; (c) the web portal will include a calculator that will enable SMEs and community organisations to calculate how much they've spent on electricity, gas and fuel in the previous year giving them a benchmark from which to measure their progress in saving energy and money; (d) a sector specific PowerPoint presentation will be developed, presented and provided to industry groups, Chambers of Commerce and SME sectors; (e) the recipient will liaise with the organisers of the main national and state conferences for the targeted SME sectors; (f) the campaign will use Do Something's local community network which was developed for DoSomethingNearYou.com.au; (g) the campaign will utilise an established national media network to promote case studies and SME energy efficiency facts.</td>
<td>SMEs and community organisations (multiple sectors), i.e. manufacturing, clothing, construction, accommodation, retail, food, agriculture, leisure and transport</td>
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<tr>
<td>Food South Australia Incorporated</td>
<td>Industry association</td>
<td>Business Case for Energy-Efficient Equipment Toolkit &amp; Mentoring Program</td>
<td>This project includes the development and roll-out of a ‘business case for energy efficient equipment’ (BCEEE) toolkit and mentoring program for food manufacturing / production businesses. The intention is to equip these businesses with knowledge, support and expert guidance on the following: 1) how to undertake self-guided energy assessments and site inspections (Level 1 Energy Audits) to determine the potential for energy efficiency improvements via equipment/technology upgrades; 2) understand the extent to which the identified equipment upgrades could maintain or improve the competitiveness of the business (e.g. reduced electricity and maintenance costs, improved productivity and inventory management, and a cleaner and safer work environment; 3) determine the business’ capacity and capability to fund and implement the equipment upgrades; 4) presenting the opportunity, its costs and benefits as a business case (supported by a ‘return on investment’ calculation) that can be used to support internal investment decisions or accessing other grants.</td>
<td>SMEs (food industry), i.e. SME food businesses across South Australia</td>
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<tr>
<td>Hunter Business Chamber</td>
<td>Industry association</td>
<td>Energy Hunter - Our Clean Energy Future</td>
<td>This project will assist small and medium sized businesses across the Hunter Region to identify, manage and improve their energy consumption. In a region traditionally heavily reliant on carbon based industries, it builds on the aspiration to create an international living laboratory in the Hunter to showcase clean energy technology and bestpractice energy efficiency. Utilising the skills, experience and networks of Hunter Business Chamber, Hunter TAFE and Newcastle City Council, Energy Hunter will offer businesses real time energy monitoring, the framework and skills to identify energy reduction opportunities and the experience to provide business-to-business support and champion these solutions to a larger network of businesses. The program will provide mass learning tools for electrical trades, as well as continued learning, sharing of achievements and strategies for thousands of businesses across the Hunter. The outcomes of Energy Hunter aim to be replicable across the nation. Products to be developed include the Newcastle Living Laboratory outcomes; business-to-business mentoring programs; and mass learning packages.</td>
<td>SMEs (multiple sectors), i.e. SMEs in the Hunter Region in two main clusters (electricity bills &lt; $25k/pa and electricity bills &gt; $25k/pa but &lt; $500k/pa)</td>
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<tr>
<td>Lake Macquarie Business Centre, trading as the Business Growth Centre</td>
<td>Industry association</td>
<td>Energy Efficiency and Real-time Energy Monitoring for Lake Macquarie Businesses</td>
<td>This project will ential five core components: 1) establishing a business support officer position within the Business Growth Centre that acts as an energy efficiency expert serving Lake Macquarie businesses through an infoline; 2) installation of real-time monitoring which will enable the support officer to assist businesses identify consumption patterns conducive to energy saving activities; 3) promote business uptake and incentivise completion of the 'Grow Me the Money' program - a program funded by Lake Macquarie City Council available to 50 SMEs (of any industry) at no cost; 4) organise subsidised energy efficiency training for 40 Lake Macquarie electricians that service SMEs; training would be expected to cover learning objectives available through the EcoSmart Electrician Training amended to incorporate content relevant to installing, monitoring and servicing real-time monitoring devices; 5) evaluate and compare the effectiveness for the information strategies provided through the above components to reduce energy use in engaged businesses.</td>
<td>SMEs (multiple sectors), i.e. small and medium manufacturing businesses in Cardiff and Gateshead Industrial Area, other businesses within the Business Growth Centre, SMEs registered for 'Grow Me the Money' in Lake Macquarie, Lake Macquarie electricians servicing SMEs</td>
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<td>Master Grocers Australia-Liquor Retailers Australia</td>
<td>Industry association</td>
<td>Energy Efficiency Information Program</td>
<td>Energy efficiency information is to be gathered from a variety of sources, as well as industry stakeholders, and re-engineered and customised to suit the independent grocery and liquor industry. MGA/LRA will form an industry committee with key industry stakeholders in IGA, FoodWorks, SPAR and Australian Liquor Marketers within which the project initiatives will be prioritised according to greatest need and reach. Vehicles to deliver energy efficiency information include: 1) seminars/workshops - Energy Efficiency Manual and Workbook to be developed; 2) fact sheets (refrigeration, air conditioning, lighting, waste management, etc); 3) Energy Efficiency Information Handbook; 4) Energy Efficiency Information Kit; 5) energy efficiency store audits targeting 2000 outlets; 6) develop/customise a simple self (do-it-yourself) energy efficiency store audit tool; 7) establish a MGA/LRA Energy Efficiency Advice &quot;Hot Line&quot;; 8) MGA/LRA website: a dedicated member resource; 9) develop a Smart Phone App - making available energy efficiency tools; 10) develop and produce an industry Energy Efficiency Information DVD - grocery and liquor specific.</td>
<td>SMEs (retail and hospitality), i.e. independent supermarket and liquor stores nationally</td>
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<tr>
<td>Moreland Energy Foundation Limited</td>
<td>Non-profit organisation</td>
<td>Easy Energy Efficiency for SMEs - animating the business case for action in northern metro Melbourne</td>
<td>The project comprises four key elements to be delivered over three years. The project will undertake research and development to identify the top 5 low (or no) cost, easy to implement energy efficiency actions for the four SME sectors identified. The project will design, produce and deliver a range of engaging and stimulating energy efficiency information products, including a series of sector specific, locally relevant case studies, fact sheets and do-it-yourself videos, in both English and other major language groups of this region. The information products will be disseminated via MEFL staff directly and with partners. Dissemination activities will include: site visits, workshops, websites, newsletters and outbound phone calls. The project team and steering committee will develop a Monitoring, Evaluation, Reporting and Improvement (MERI) plan to ensure that the delivery of targeted energy efficiency information results in on-the-ground action and real energy savings for SMEs.</td>
<td>SMEs (multiple sectors), i.e. SMEs across the northern metropolitan region of Melbourne - professional, scientific and technical services, retail trade, accommodation and food services and manufacturing</td>
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<tr>
<td>North East Farming Futures Group</td>
<td>Non-profit organisation</td>
<td>A profit-driven program for increasing knowledge &amp; adoption</td>
<td>This project will develop, deliver and evaluate an innovative program for delivering information about increasing</td>
<td>SMEs (agricultural industry), i.e.</td>
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<td>Inc</td>
<td>of energy-saving initiatives amongst farming enterprises utilising grass-roots and online community forums</td>
<td>energy efficiency to farming enterprises throughout WA. It involves generating an &quot;Ideas Warehouse&quot; of energy saving initiatives relevant to farming SMEs; delivering workshops through regional/remote WA; and engaging participants in follow-up online forums.</td>
<td>farming SMEs throughout regional and remote WA, specifically targeting the innovators and early adopters</td>
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<td>Plastics and Chemicals Industries Association</td>
<td>Industry association</td>
<td>Energy in Chemicals &amp; Plastics SMEs: Facts &amp; Efficiency - reducing energy consumption &amp; costs</td>
<td>This project aims to provide simple, practical and action-focused information to around 13,000 SMEs within the chemicals and plastics sector and their value chain partners across sectors - to encourage necessary actions to increase energy efficiency. This project is built on PACIA’s successful pilot projects that involved SMEs across the chemicals and plastics sector. PACIA’s experience confirms that SMEs are best engaged through a combination of electronic, hard-copy and in-person/face-to-face encounters. Energy efficiency information will be disseminated to SMEs using a web-based platform. This will be complemented by tailored content for industry magazines and e-news bulletins. In order to reinforce the message, energy efficiency forums will be conducted in various cities and regional locations across Australia. To reach as broad an audience as possible, these forums will be hosted by PACIA’s large company members/partners who have extensive established relationships and networks with SMEs across all industry sectors. This will complement PACIA’s positioning as a credible and trusted source of information.</td>
<td>SMEs (manufacturing industry), i.e. SMEs within PACIA’s membership and within the broader chemicals and plastics sector and major PACIA members/partners and their SME customers</td>
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<tr>
<td>Queensland Murray Darling Committee Inc</td>
<td>Non-profit organisation</td>
<td>Empowering small to medium businesses/community groups in the Queensland Murray Darling Basin to embrace building an energy efficient smart region</td>
<td>The project will undertake an integrated approach to learning and action through: building on existing relationships and networks with the target audience; the provision of information in several ways to meet audience needs; real and local demonstrations and technical skills building to increase the region’s capacity to continue to respond to energy efficiency improvements as technology improves relevant to small to medium businesses. QMDC will undertake energy efficiency audits. QMDC will provide economic assessment to research and analyse electricity costs as a proportion of business costs and short, medium and long term impact of energy efficiency investments. This will assist businesses in their decision making when investing in key infrastructure. Overall this project will complement PACIA’s positioning as a credible and trusted source of information.</td>
<td>SMEs and community organisations (multiple sectors), i.e. SMEs and community organisations located along the single wire earth return lines in the Queensland Murray Darling Basin</td>
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<td>Royal Institute of Chartered Surveyors - 'RICS'</td>
<td>Industry association</td>
<td>Energy Efficiency Management for SME Commercial Office Tenants</td>
<td>This project addresses energy efficiency by looking at the commercial office space that SMEs lease and how SMEs best choose, establish and manage that leased space, in order to maximise their energy efficiency. RICS will develop: an SME Commercial Office Tenants Guide to Energy Efficiency, including a Quick Start Guide for time poor managers, Apple IPhone, Ipad and Android Mobile Applications whose primary function will be to enable SME tenants to make comparisons between the relative energy efficiency cost of different lettable space (the application will also allow an energy efficiency cost comparison on a range of office equipment, tenancy and fitout characteristics); a complimentary website which hosts the guidance notes, mobile applications and the data that sits behind them (the website, guide and mobile applications will enable SMEs to improve their energy efficiency, achieve a better NABERS tenancy rating and obtain a better financial outcome for their business).</td>
<td>SMEs (commercial buildings), i.e. SMEs who lease commercial office space</td>
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<tr>
<td>South Australian Wine Industry Association</td>
<td>Industry association</td>
<td>Development of the 'Winery Energy Saver Toolkit'</td>
<td>This project involves the development and roll-out of a 'Winery Energy Saver Toolkit' (WEST) supported through an expert advisory assistance program for SME wine manufacturing and production businesses. The project aims to provide these businesses with useful information and expert guidance on: 1) undertaking energy efficiency assessments to determine the potential for energy efficiency improvements via equipment/technology upgrades; 2) establishing the 'business case' for energy efficiency improvements (particularly capital-based projects and equipment upgrades), by assessing its costs (upfront and recurring) and benefits (e.g. reduced costs, increased productivity), and internal resource requirements, that can be used to support internal investment decisions or accessing other grants.</td>
<td>SMEs (agricultural industry), i.e. SME wine businesses across South Australia</td>
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<td>Strata Community Australia</td>
<td>Industry association</td>
<td>Sustainable Strata – an energy efficiency capacity building project for residential owners corporations and their SME service providers</td>
<td>Australia's residential strata sector (e.g. apartment blocks) hold significant opportunity for energy efficiency gains, but is in need of independent energy efficiency information tailored for the unique needs and barriers facing this sector. The Sustainable Strata project will fill this gap through the development of a national online energy efficiency 'tool-kit' designed with and for key stakeholders in the residential strata sector. The tool-kit will educate and guide users through the process of considering and undertaking energy efficiency projects within a strata-titled development, allowing users to easily gather and share information across all building types at a national level. With a national consortium of strata experts, energy efficiency experts and local governments the tool-kit will act as a central hub of activity with verified and independent information, providing leading practice case studies and online collaboration around energy efficiency. The tool-kit will be activated through engagement and education activities across the country.</td>
<td>SMEs (commercial buildings), i.e. residential owners corporations and their SME service providers including strata managers, building/ facility managers and contractors across Australia</td>
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<td>Textile Clothing Footwear Resource Centre WA Inc</td>
<td>Non-profit organisation</td>
<td>TCF Australia: National ONLINE Energy Efficiency Training &amp; Mentoring Project: textiles, clothing, footwear, leather, fashion &amp; creative industries</td>
<td>This project will provide a range of services to 1,000 fashion and TCFL industry SMEs to facilitate the ability to reduce energy use, create cost efficiencies, and investigate new green business opportunities, and will include: 1) training webinars (online &quot;live&quot; training workshops) - 5 different topics 10 times a year, for 3 years (2012-2015) = 150 eWorkshops (target 650+ national SMEs) the &quot;virtual&quot; nature of webinars results in any SME being able to participate, especially regional &amp; remote; 2) Ask an Expert forums - 30 Forums (face-to-face @ 2hrs duration) for communication with a TCF Energy Efficiency Business Expert/s (i.e. sector specific information) - target: 550+ SMEs 5 Capital Cities, twice yearly over 3 years; 3) energy efficiency and business improvement mentoring - includes 1 to 2 hours of one-on-one mentoring (with energy/business experts) and up to 1500 hours mentoring delivered face-to-face, by phone, email, or via web-meeting.</td>
<td>SMEs (manufacturing industry), i.e. national SMEs in the textile, clothing, footwear, leather, fashion, creative and associated industries</td>
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<td>The Australian Industry Group</td>
<td>Industry association</td>
<td>Interactive online tools and resources and onsite support services</td>
<td>The recipient will develop a suite of practical products and services, including online interactive tools and resources together with onsite energy assessments</td>
<td>SMEs (multiple sectors), i.e. SMEs in the manufacturing</td>
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<td>The Australian Meat Industry Association</td>
<td>Industry association</td>
<td>An Engagement, Extension and Education Program for Small- Medium Enterprises delivering to the Red Meat Industry, Supply Chain and related Communities</td>
<td>This project comprises five phases: the first focussing on compiling and reviewing energy efficiency technological solutions and best practice. The second focussing on developing industry engagement tools, information kits, tutorials, web based seminars and video footage for training on abatement options to minimise energy use and emissions. The third phase focuses on the development of industry training packages, delivering through state-based network meetings, practice change and technical information, designing resource guides on energy management, including waste and wastewater management, refrigeration optimisation and a range of other energy saving solutions. The fourth phase acts to consolidate the previous activities into website energy calculators and other tools and resources and present the outcomes of recent research through industry networking and mini conference engagement events. The fifth and final phase acts to develop and apply multimedia training and information resources in the aim of training environmental officers and business sustainability capability.</td>
<td>SMEs (agricultural industry), i.e. national red meat industry, including meat processing, independent retail butchers, smallgoods manufacturers, independent boning rooms and non-packer exporters</td>
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<td>The Hills Holroyd Parramatta Migrant Resource Centre</td>
<td>Non-profit organisation</td>
<td>3E Program (Enable Energy Efficiency) for CALD SMEs and Community Organisations in Western Sydney</td>
<td>This program aims to deliver clear and reliable information to communities to assist them to make an informed decision on their behavioural impact towards energy efficiency. The recipient will: (a) deliver this information through education and training on the benefits of clean, efficient energy usage, specifically improving energy affordability for CALD (Culturally and Linguistically Diverse) community groups to make informed decisions about energy efficiency, economic impacts of energy wastage, including environmental impact of energy wastage; (b) complement state and national energy efficiency</td>
<td>SMEs and community organisations (multicultural), i.e. culturally and linguistically diverse SMEs and community organisations within the local government areas of Hills, Holroyd and Parramatta</td>
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<td>Victorian Automobile Chamber of Commerce</td>
<td>Industry association</td>
<td>Automotive Industry Energy Efficiency Information Project</td>
<td>This project aims to deliver practical information and training, to assist small to medium businesses within the automotive industry in making a transition to a clean energy future. There are 23 sectors which can vary significantly from one another. Energy audits will be conducted across some of the industry sectors, throughout Victoria and Tasmania, in order to identify the recurring issues and concerns of energy management for the target audience. Audited businesses will be presented as case studies at seminars and training sessions. Information delivered through the project will focus on elements of energy management and energy efficient practices. VACC will deliver the information using various methods including seminars and site tours, videos and a dedicated website. The proposed website will include information specific to the different automotive industry sectors. Additionally, VACC will set up an energy efficiency hotline which will allow the automotive industry to seek clarification and advice on energy efficiency issues.</td>
<td>SMEs (automotive industry), i.e. SMEs in the automotive industry throughout Victoria and Tasmania</td>
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<td>Victorian Employers' Chamber of Commerce and Industry</td>
<td>Industry association</td>
<td>Carbon Compass - pointing Victorian SMEs in the direction of energy efficiency opportunities and trusted information</td>
<td>A range of measures are proposed to be delivered including: 1) web-based information provided through updated versions of VECCI's existing 'Carbon Compass' (<a href="http://www.carboncompass.com.au">www.carboncompass.com.au</a>) and 'What Can I Do Right Now' (<a href="http://www.whatcanidorightnow.com.au">www.whatcanidorightnow.com.au</a>) websites - VECCI's experience has found that easy to access web-based information is key in initial engagement of SMEs and provides reach to a large number of businesses; 2) industry specific and targeted action-based training will be developed and locally delivered to Victorian SMEs - these training sessions arm businesses with the specific information and support needed to</td>
<td>SMEs (multiple sectors), i.e. Victorian SMEs covering retail, office-based businesses, accommodation, company services, local government, wholesale, metals, plastics and chemicals, and engineering</td>
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<td>implement energy efficiency activities in their business; 3) a phone helpline, staffed by VECCI sustainability consultants will help businesses overcome barriers to implementation and provide another channel to engage and assist business.</td>
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Superannuation
(Question No. 2141)

Senator Cormann asked the Minister representing the Minister for Financial Services and Superannuation, upon notice, on 6 September 2012:

With reference to compensation payments made to date to investors in funds associated with the collapse of Trio Capital, under Part 23 of the Superannuation Industry (Supervision) Act 1993:

(1) What is the total amount recovered from special levies imposed on Australian superannuation funds to fund compensation payments.

(2) What is the total number and value of individual claims made for such compensation.

(3) How many individual claims have been determined to date, and: (a) how many of these claims have been accepted in part or in full and what is their total value; and (b) how many of these claims have been rejected.

(4) On what grounds have such claims been rejected and what is their total value.

(5) How many individual claims remain undetermined, including: (a) their total value; and (b) the projected timeframe in which the claims will be determined.

(6) What is the total value of compensation paid to date.

(7) What is the total value of claims that have been approved, in part or in full, that remain unpaid.

Senator Wong: The Minister for Financial Services and Superannuation has provided the following answer to the honourable senator's question:

(1) $52.802 million has been recovered through the financial assistance levy.

(2) Three claims have been made for compensation: $55 million; $64,745; and $17.086 million.

(3) Two claims have been determined to date for $71.713 million and one claim was not approved.

(4) The claim that was not approved did not satisfy the criteria for substantial diminution of the fund leading to difficulties in the payment of benefits in paragraph 229(1)(b) of the Superannuation Industry (Supervision) Act 1993. That claim was for $64,745.

(5) No claims remain undetermined.

(6) As at 19 November 2012, the total value of compensation paid is $69.813 million.

(7) As at 19 November 2012, $1.9 million has been approved but not yet paid..

Sustainability, Environment, Water, Population and Communities
(Question No. 2163)

Senator Waters asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, upon notice, on 13 September 2012:

(1) What process arrived at the $80 400 payment to be made by the companies due to the clearing of 67 000 square meters of ringtail possum and Carnaby's cockatoo habitat.
(2) Was the total expected revenue and/or profit from the sale of the land taken into account when determining the $80,400 payment; if so, how was this total determined.

(3) Is like-for-like habitat available and in need of protection within the relevant region; if so, how much of this land could be secured for $80,400.

(4) Is land available that is suitable for rehabilitation and/or revegetation within the relevant region; if so, how much of this land could be secured for $80,400.

(5) Can estimates be provided by the department of the:
   (a) average time usually taken for proposed activities involving the clearing of habitat that is expected to have a significant impact on nationally listed species; and
   (b) average cost to proponents of the environmental impact assessment process in situations such as this.

(6) Where the clearing of habitat is approved subject to the proponent securing appropriate offsets:
   (a) what is the standard process undertaken by the department in order to determine an appropriate offset; and
   (b) approximately, what would be deemed an appropriate offset for the clearing of 67,000 square metres, where that land is considered to be 'strategic' in that it provides both foraging habitat and critical linkages across the landscape for two nationally listed species.

(7) Can examples be provided of recent offset conditions that have been set by the Minister or department, including information on the quality of habitat lost, the offset ratio and quality of offset to be secured, including where possible the estimated costs to the proponent of securing these offsets.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(1) The department's Compliance and Enforcement Policy provides the basis for decisions to be made including whether to escalate a contravention through court processes. In this instance, this case did not satisfy the public interest and evidentiary tests which would warrant such a response.

   Matters considered included the quality of vegetation at the site, the willingness of the proponent to engage with the department and the length of time which had elapsed since the clearing event.

   In accepting the enforceable undertaking the department is satisfied that sufficient revegetation or rehabilitation of at least an equivalent area to that which was cleared will be achieved.

(2) The total expected revenue and/or profit from the sale of the land was not taken into consideration. The department is not in possession of these financial details.

(3) Funds secured by the department in the enforceable undertaking will be provided to the Western Australia Department of Environment and Conservation for the purposes of revegetation and/or rehabilitation of suitable habitat.

(4) The Western Australia Department of Environment and Conservation has advised that land suitable for revegetation and/or rehabilitation is available in the region where the clearing event took place.

   It is anticipated that $80,400 will contribute to the revegetation of a minimum of 6.7ha of foraging habitat for the affected species over time.

(5) (a) The length of time taken depends on the size and scale of potential impacts.

   (b) The department understands that proponent costs for complying with the EPBC Act for an environmental impact assessment process may vary due to project size, complexity, and the availability of information related to the assessment. However, the department does not seek or hold economic data that quantifies the costs to proponents. Examples of these costs could include, but are not limited to, consultant fees, survey costs or holding costs.
(6) (a) At the time the clearing occurred, the department negotiated offsets in accordance with the department's draft EPBC Act policy statement 'Use of environmental offsets under the EPBC Act' which was released in October 2007.

Please note that a new EPBC Act environmental offsets policy and accompanying Offsets assessment guide were released on Wednesday 3 October 2012.

(b) Offsets must be commensurate with the impacts of the proposal having regard to the relevant policies at the time the impacts occurred.

(7) Recent approval decisions with offset requirements are available on the department's website and include the following examples;
EPBC2011/6020
EPBC2010/5768
EPBC2008/4028

**Immigration and Citizenship**

(Question No. 2222)

Senator Cash asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 25 September 2012:

(1) Is the Minister aware that the former Maltese Minister for Immigration, Mr Alexander Cashia Zammit, in an article in the Times of Malta dated 21 January 2010, claimed that during his 1963 visit to Perth he did not meet with the Director of the Christian Brothers due to police investigations.

(2) Is the Minister aware that the former Minister stated that the Australian Government advised the Maltese Government of suspicions, causing the Maltese Government to cease sending Maltese children to Australia under the Immigration (Guardianship of Children) Act 1946.

(3) Can the documents relating to the 1963 police investigation of Christian Brothers institutions in Western Australia in relation to child migrants be provided; if not, why not.

(4) Can any advice given to the Government of Malta, which may have caused that Government to cease sending children under the Immigration (Guardianship of Children) Act 1946, be provided: if not, why not.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

(1) No.

(2) No.

(3) No. This is a matter for police authorities in the relevant jurisdictions.

(4) No. Obtaining relevant information and documents dating back to 1963 would be a resource intensive exercise (requiring searching of archived documents no longer held by my Department). As such, I cannot provide this information.

**Australian Securities and Investments Commission**

(Question No. 2230)

Senator Cormann asked the Minister representing the Treasurer, upon notice, on 3 October 2012:

With reference to the High Court of Australia decisions of 2 October 2012, in Forrest v Australian Securities and Investments Commission & Anor and Fortescue Metals Group Ltd v Australian Securities and Investments Commission & Anor:
(1) What is the total cost to the Australian Securities and Investments Commission (ASIC) since the actions were initiated in the Federal Court of Australia.

(2) Can a detailed breakdown of the costs in each case be provided, including those associated with external legal counsel.

(3) Will the High Court decision impact on any other actions that are currently being undertaken or planned by ASIC; if so, how.

(4) What has ASIC learned from the judgments, and will this knowledge impact on the manner in which ASIC deals with similar circumstances in the future; if so, how.

(5) What comment will ASIC provide in regard to paragraphs 23, 24 and 25 of the judgment in Forrest v Australian Securities and Investments Commission & Anor.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) The High Court has ordered ASIC to pay the costs of the matter. The issue of costs payable to Fortescue and Mr Forrest is yet to be quantified or resolved. In view of this ASIC does not consider it appropriate to comment on the cost of the action at this time.

(2) See response to Question 1 above.

(3) ASIC is in the course of reviewing the judgment for its implications and impact. The judgment does raise for discussion what the market would regard as a sufficient statement about the nature and content of an agreement, and what is necessary to ensure the market is properly informed for the purposes of making investment decisions.

While the High Court decision might influence ASIC's approach to matters going forward it will not deter ASIC from pursuing potential wrongdoers, particularly where we see serious misconduct, supported by evidence and solid legal advice. ASIC will continue to investigate and litigate matters in accordance with its Information Sheet 151: ASIC's approach to enforcement published in February 2012.

(4) There are some lessons which emerge from the High Court's reasons such as the importance of stating ASIC's case clearly and simply. ASIC will take these onboard and, where appropriate, adjust its approach accordingly.

ASIC is continually striving to improve the way it undertakes its enforcement work, including how it litigates matters. ASIC is very conscious of its obligations to act as a model litigant. However, apart from taking legal advice and noting judicial commentary in judgments over time, it is not possible for ASIC to discuss its approach to litigating matters with the Courts. ASIC can only learn some of these lessons through actually litigating matters and noting the Courts' comments.

(5) ASIC considers it had a reasonable basis for making the claims it did. ASIC pleaded its case in the way that it did, on advice, and out of caution depending on how the Court might interpret the statements. ASIC notes the High Court's comments and will review future matters in light of these comments.

ASIC took advice from Senior Counsel and external solicitors on its prospects and the conduct of the matter. ASIC would not have pursued this matter to trial or appealed the trial judge's decision unless it considered that it had strong prospects of success.

Immigration and Citizenship: Financial Management and Accountability

(Question Nos 2239 and 2279)

Senator Bernardi asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 3 October 2012:
In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) Is information collected from stakeholders and the broader community; if so:
   (a) what forms or other methods are used to collect information;
   (b) how many of these forms are:
      (i) paper-based,
      (ii) electronic based; and
      (iii) both;
   (c) do these forms request an estimate of the time taken to complete; if not, why not; and
   (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010:
   (a) how many stakeholder consultations have been conducted; and
   (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

**Senator Lundy:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

Given the very broad nature of the question and the diverse range of information collected by Australian Government agencies, attempting to answer this question would cause an unreasonable diversion of resources.

**Resources and Energy and Tourism: Financial Management and Accountability**

(Question Nos 2250 and 2251)

**Senator Bernardi** asked the Minister for Resources and Energy and the Minister for Tourism, upon notice, on 3 October 2012:

In regard to each department and agency under the Financial Management and Accountability Act 1997 and each Commonwealth authority under the Commonwealth Authorities and Companies Act 1997 within the Minister's portfolio:

(1) Is information collected from stakeholders and the broader community; if so: (a) what forms or other methods are used to collect information; (b) how many of these forms are: (i) paper-based, (ii) electronic based; and (iii) both; (c) do these forms request an estimate of the time taken to complete; if not, why not; and (d) is data collected on how long it takes to complete each form; if so, can this data be provided.

(2) For each proposed regulatory initiative since August 2010: (a) how many stakeholder consultations have been conducted; and (b) have there been any complaints from stakeholders about the consultation process; if so, from whom.

**Senator Chris Evans:** The Minister for Resources & Energy and the Minister for Tourism has provided the following response to the honourable senator's question:

Given the very broad nature of the question and the diverse range of information collected by Australian Government agencies, attempting to answer this question would cause an unreasonable diversion of resources.
Resources and Energy  
(Question No. 2389)

Senator Ludlam asked the Minister for Resources & Energy, upon notice, on 19 October 2012:

(1) With reference to the tender process for the concept design of a national radioactive waste facility: (a) what is the status of the tender process; (b) who tendered for this work; (c) what is the selection process; (d) when is the successful tenderer likely to be announced; (e) when is the contract expected to be completed; and (f) what are likely to be the key performance criteria, outcomes and headland dates of the contract.

(2) Has the department had any dialogue or provided briefings to the new Northern Territory Government or its agencies regarding the location of a national radioactive waste facility at Muckaty; if so with whom and when.

(3) Has the department had any dialogue with any stakeholders over the potential for a further site nomination: (a) within the Muckaty Land Trust area; and (b) in any other region of the Northern Territory or elsewhere.

(4) What is the status of the planned transport of radioactive materials to the proposed Muckaty site.

(5) Has the department undertaken any further work on developing the preferred transport option or on detailing further options.

(6) What is the department's anticipated timeline in advancing the assessment and approvals needed for the Muckaty proposal, and what is the next step.

(7) What is the current status of expansion plans at Olympic Dam.

(8) What formal or informal applications or discussions have been received from or undertaken with BHP Billiton regarding potential future project configurations.

(9) When do existing state and federal approvals for the shelved development option and the wider project lapse.

(10) With reference to the proposed sale of the Yeelirrie project from BHP Billiton to Cameco: (a) what is the status of the sale; (b) has the sale been completed; (c) has the sale received Foreign Investment Review Board approval and what is the process and timeline for this approval; and (d) what rights, agreements and approvals would be transferred to the new owner.

(11) With reference to reports of renewed company interest in advancing the development of the Angela and Pamela deposits: (a) what is the current status of this project; (b) what assessment and approvals are needed to further advance development; (c) have there been any formal or informal application or discussions between the department and the project proponent around this issue; and (d) what implications does the recent change of government in the Northern Territory have for this project.

(12) What is the department's understanding of the current status of uranium mining in Queensland.

(13) Has there been any dialogue between the department or any federal agencies with the Liberal National Party (LNP) Queensland Government or any state government agencies about this issue.

(14) Has the department had any formal or informal dialogue with any uranium mining companies or industry bodies in relation to this issue.

(15) What implications does the election of the LNP in Queensland have on this issue.

(16) What are the current status and production rates at the Honeymoon uranium project.

(17) What is the status of approvals at the Samphire uranium project near Whyalla in South Australia.

(18) What is the status of the current trials of the U-HiSAL uranium extraction process.
Senator Chris Evans: The Minister for Resources & Energy has provided the following response to the honourable senator's question:

(1) (a) The tender process has been completed with the successful tenderer, ENRESA, announced on 16 October 2012.

(b) Six tenders were received and the Commonwealth Procurement Rules state that submissions must be treated as confidential before and after the award of a contract.

(c) The selection process was conducted in accordance with the Commonwealth Procurement Rules.

(d) See (a).

(e) 30 June 2013.

(f) The project is to develop a conceptual design for a co-located national low level waste repository and intermediate level waste store. The preferred concept design will be the basis for applications by the Department for regulatory approval of a selected facility site under the Australian Radiation Protection and Nuclear Safety Agency Act (1997) and the Environment Protection and Biodiversity Conservation Act 1998. It will also be used in development of public communications products and services including web pages and information kits.

The contractor is required to provide indicative estimates of the cost of construction of the preferred design concept at a preferred or indicative facility site specified by the Department during the course of the contract.

The contractor is also required to undertake related project tasks including assisting the Department and its scientific advisers in matters relating to the facility design for the duration of the contract.

The two deliverables sought by RET are:

(i) A First Report on safety objectives and technical options for the development of a near surface low level waste (LLW) disposal facility and collocated above ground long-lived intermediate level waste (LLILW) storage facility in Australia. This report shall address information provided on Australia's radioactive waste inventory, regulatory documents and information provided in discussions with RET in the first month of the contract. Its objective will be to establish a common understanding of the scope of the project.

(ii) A Second Report providing a proposal for a conceptual design for a near surface LLW disposal facility and collocated LLILW storage facility in Australia.

(2) The Department has not briefed the new Northern Territory Government or its agencies on the location of a national radioactive waste facility at Muckaty since the Northern Territory election of 25 August 2012.

(3) (a) Yes.

(b) No.

(4) As no site has been declared for a national facility, detailed planning for the transport of radioactive materials to a particular site has not commenced.

(5) At this stage, the Department has not undertaken further work on a preferred or detailed transport option for the reason stated in question 4. Detailed transport arrangements will be investigated in the regulatory approvals processes once a site has been declared.

(6) The current Muckaty nomination is subject to the outcome of the Federal Court challenge. The Department is not able to put a timeline on this process. The National Radioactive Waste Management Act 2012 determines timeframes for the approval and declaration of a volunteered site.

Environmental and radiation protection approvals required for the siting, construction and operation of a national radioactive waste management facility will be subject to the declaration of a site. The timeline for environmental and regulatory approvals are determined under the Environment Protection...
and Biodiversity Conservation Act 1999 and the Australian Radiation Protection and Nuclear Safety
Act 1998. Work on a concept design has commenced to inform the regulatory approvals process.

(7) As announced on 22 August 2012, BHP Billiton has deferred a decision on the expansion of its
Olympic Dam Mine. Further questions on the current status of expansion plans at the Olympic Dam
Mine should be addressed to BHP Billiton.

(8) The Department of Resources, Energy and Tourism has had one informal discussion with BHP
Billiton about potential future project configurations for its expansion of the Olympic Dam Mine. BHP
Billiton very broadly discussed mine and processing technologies under investigation as publicly stated
by BHP Billiton.

(9) The approval under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and
authorisation under the Development Act 1993 (SA), both issued on 10 October 2011, require that
substantial work must have commenced within five years of the date of issuance. After five years,
activities must not commence without the written agreement of the Commonwealth Minister. After five
years, South Australia may cancel the authorisation.

(10) (a) The sale is undergoing Commonwealth and Western Australian approvals processes.

(b) See (a).

(c) This is a matter for the Foreign Investment Review Board. It has advised the Department of
Resources, Energy and Tourism that it does not comment on individual applications.

(d) All rights and obligations provided for under the Uranium (Yeelirrie) Agreement Act 1978 (WA)
will be transferred to the new owner once the sale has been approved by both the Commonwealth and
Western Australia.

(11) (a) The Angela/Pamela Project is an exploration project. Further questions on the status of the
Angela/Pamela Project should be addressed to the Joint Venture partners, Paladin Energy Ltd and
Cameco Australia.

(b) Depending on the nature of any future development work, a range of approvals might be required
under relevant Commonwealth, Northern Territory and, potentially, South Australian legislation.
Commonwealth assessment and approvals could include assessment under environmental, export and
nuclear non-proliferation legislation.

(c) No.

(d) Any questions on potential implications from the recent change of government in the Northern
Territory should be addressed to the Northern Territory Government.

(12) The Department's understanding is that the Queensland Government's announcement on 22
October 2012 overturned its policy ban on uranium mining in the state.

(13) The Department of Resources, Energy and Tourism has recently begun informal discussions with
the Queensland Government Department of Premier and Cabinet about the State Government's change
of policy on uranium mining.

(14) The Department of Resources, Energy and Tourism has had informal dialogue with the Australian
Uranium Association and Queensland Resources Council regarding Queensland's potential uranium
reserves but not specifically about the Queensland Government's announcement on 22 October 2012.

(15) The decision to allow the recommencement of uranium mining in Queensland is a policy decision
of the current LNP Government.

(16) The Honeymoon Uranium Project is currently in commissioning phase. Commissioning is
scheduled for completion once pre-defined operating levels, based on the design of the plant can be
maintained. The Project has a design capacity of 880,000 lbs U3O8 per year. Since first production in
September 2011, 332,400 lbs U3O8 have been produced.
A proposal for a small scale in situ recovery field trial was referred under the Environment Protection and Conservation Act 1999 (Cth) and SEWPAC determined, on 11 February 2011, to not require approval of the recovery trial if undertaken in a particular manner.

The Department of Manufacturing, Innovation, Trade, Resources and Energy (DMITRE) is currently assessing Uranium SA’s Retention Lease Application to undertake a small scale in situ recovery field trial on their Samphire project.

If a Retention Lease is granted, the company will be required to submit a Program for Environment Protection and Rehabilitation to DMITRE for approval prior to commencing operations. In addition, the Environment Protection Authority will require the proponent to apply for a Licence to Test for Developmental Purposes under the Radiation Protection and Control Act 1982 (SA).

Questions on the status of trials using the U-HiSAL™ process for the extraction and recovery of uranium should be addressed to Uranium SA Limited.