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the Senate and committee hearings are available at

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SITTING DAYS—2013

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop,
Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner,
Alexander McEachian Gallacher, Scott Ludlam, Gavin Mark Marshall,
Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and
Peter Stuart Whish-Wilson

Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

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

<table>
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<tr>
<th>Senator</th>
<th>State or Territory</th>
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<td>Abetz, Hon. Eric</td>
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Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives.

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</table>

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

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

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

(4) Chosen by the Parliament of Tasmania to fill a casual vacancy (vice Hon. B. Brown, resigned 15.6.12), pursuant to section 15 of the Constitution.

(5) 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.

(6) Chosen by the Parliament of Western Australia to fill a casual vacancy (vice C. Evans, resigned 12.4.13), pursuant to section 15 of the Constitution.

(7) Casual vacancy to be filled (vice B. Joyce, resigned 8.8.13), pursuant to section 15 of the Constitution.

(8) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice M. Thistlethwaite, resigned 9.8.13), pursuant to section 15 of the Constitution.

(9) Chosen by the Parliament of Victoria to fill a casual vacancy (vice D. Feeney, resigned 12.8.13), pursuant to section 15 of the Constitution.

(10) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice R. Carr, resigned 24.10.13), pursuant to section 15 of the Constitution.

**PARTY ABBREVIATIONS**

**Heads of Parliamentary Departments**
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
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<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td><strong>Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for the Public Service</em></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td><em>Minister Assisting the Prime Minister for Women</em></td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>The Hon Alan Tudge MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Regional Development</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Deputy Prime Minister)</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Minister for Trade and Investment</strong></td>
<td>The Hon Andrew Robb AO MP</td>
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<tr>
<td><strong>Parliamentary Secretary to the Minister for Foreign Affairs</strong></td>
<td>Senator the Hon Brett Mason</td>
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<tr>
<td><strong>Minister for Employment</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>The Hon Luke Hartsuyker MP</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon George Brandis QC</td>
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<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon George Brandis QC</td>
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<tr>
<td>(Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
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<td><strong>Minister for Justice</strong></td>
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<td>Senator the Hon Arthur Sinodinos AO</td>
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<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
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<tr>
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<td>The Hon Bob Baldwin MP</td>
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<td>The Hon Kevin Andrews MP</td>
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<tr>
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<tr>
<td>(Manager of Government Business in the Senate)</td>
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<td><strong>Minister for Defence</strong></td>
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<td><strong>Minister Assisting the Prime Minister for the Centenary of</strong></td>
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Thursday, 12 December 2013

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 09:30, read prayers and made an acknowledgement of country.

BILLS

Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator HANSON-YOUNG (South Australia) (09:31): I speak today to the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013, put forward by me on behalf of the Greens, which would ensure that any capped freezes on protection visas and in fact visas as a whole under the Migration Act would need to come to parliament for approval. The reason that we have put forward this bill, of course, is that the government and the Minister for Immigration and Border Protection last week, in retaliation, in the hissy fit thrown by the minister in response to the Senate's decision not to allow the reintroduction of temporary protection visas, decided to cap the number of protection visas to be given to people who genuinely deserve them. That decision has been made outside—currently—the realms of parliament's scrutiny and the ability of parliament to have a say.

There may indeed be an argument for capping a particular number of visas. Let that argument be had, and let it be had in the chambers of parliament, where we make laws, where we can debate the merits or not of a particular decision. This bill amends the Migration Act to ensure that a decision to cap the number of visas given would need to come to the parliament in the form of a disallowable instrument, meaning that the parliament could agree or disagree with the motivations and the actions of the government of the day.

This issue has two streams. We can argue the merits of what the government has done—and I will move on to those arguments in a short time—but there is also a very fundamental point about the ability of parliament to have a good discussion and oversee these types of decisions. We have here a minister and a government who are so arrogant that they want as much power for themselves as possible to cut out the parliamentary process. They do not like the fact that they do not control both chambers of parliament, so what they do instead is find ways to circumvent the parliament, therefore circumventing the wishes and the views of the Australian people. Regardless of who has the largest number of seats in House of Representatives, that does not give them a mandate to ram through or dictate to the Senate whatever they would like to do. The role of the Senate here, Mr Acting Deputy President Fawcett, as you well know, is to scrutinise legislation, to review government decisions and to ensure that we have a space for debate over decisions of the government of the day, the executive, and really play that important role of representing the people and the diversity of views within our Australian community.

It should not be very controversial that this amendment bill go ahead. All it is saying is that decisions to cap visas should be able to be approved or disapproved by the parliament. Any minister or any government who feel absolutely confident and just in the decision that they are making should not have a problem with having that debate on the floor of the chamber. It
would only be a minister who is either too arrogant or indeed hiding from the parliament and therefore the scrutiny of the public who would not want to put something to debate and to have that discussion on the floor of the parliament.

Let me just go to the issue that directly relates to why this cap put in place by the minister last week is of great concern and why the parliament should be able to have a debate about this and have a look at whether this is a good decision. We know that there are over 30,000 refugees and asylum seekers, including children, currently waiting at some stage of the process in the Australian community or in detention for whom we need to process their claims in a timely manner and give a resolution. Keeping people—individuals who have fled war, torture, persecution and brutality but have finally reached Australia and safety—living in limbo is not an approach a fair-minded, well-resourced and forward-thinking country like Australia should take. The implication of a freeze on protection visas is that these 30,000 people will remain living in limbo.

Why is that a massive concern to many in this country? The types of conditions these people are living in are atrocious. A number of them, thousands of them, are remaining in indefinite detention at a huge cost to taxpayers. As we have heard from the Treasurer, MYEFO is going to be handed down next Tuesday. I will be looking very closely at just how much of a budget blow-out there has been. My quick calculations on the back of an envelope would say that we are now spending $11 billion over the forward estimates. Here we have a significant amount of that $11 billion being spent keeping thousands of people locked up in indefinite detention because the minister of the day has decided they will not have their applications processed until he gets his way through the parliament.

The other group within this 30,000 people includes families and individuals who are living in the community on bridging visas. These types of visas were only ever meant to be the bridge—thus the name, of course—between people being in detention and having their applications for protection processed. These bridging visas are keeping people in poverty. Individuals are not allowed to work. They are not even allowed to study. They have some access to medical services, but that is quite limited. There are individuals who are absolutely desperate to start contributing to Australia's economy and society and start putting their lives back together.

We cannot forget that the majority of these people—whether their applications are still at the beginning or whether their applications have been completed and they are still waiting on bridging visas now that the minister has capped the approving and granting of permanent protection—are genuine refugees. We know that because that is always what the statistics show. Ninety-six per cent of people who come here by boat are found to be people in genuine need of protection. Having to leave your homeland and engage in the dangerous journey to get out, hiding out until you can find someone to bring you to Australia or another country—no-one takes that decision lightly. Many of these people have had to leave behind family members, their entire lives and everything they own. No-one makes that decision lightly. It is reflected in the number of people who are found to be in genuine need of protection. If, indeed, people wanted to take the 'easy way', they would probably buy a ticket and fly in on Qantas. That would be the easy way to get here. When people are really desperate, when they have to smuggle themselves and their families out of their country and struggle for survival.
before they reach safety, the only option they see before them is to come here by a dangerous boat.

We need to be addressing that issue. We need to be finding people a safer pathway in order to reach protection. I do not believe the only option available for the world's most vulnerable refugees should be to engage a people smuggler and get on a leaky wooden boat to Australia. That should not be the option. But currently it is. It is not going to be solved by keeping people living in limbo, in poverty, without the ability to work and without the ability to get education or training and keep themselves engaged. It definitely will not be addressed by capping and freezing protection visa applications. All that does is create a bigger bottleneck in terms of the number of people who are desperate to start putting their lives back together.

This issue of dealing with the number of incoming refugees is of course not unique to Australia. In fact, we receive the smallest number of refugees when you compare Australia to comparable countries. Less than one per cent of the world's refugees end up coming to Australia. Yet if you listen to the political rhetoric in this place and the other place, listen to the radio or read the newspapers you would think that we were taking them all. The reality is we are not. That perception is wrong. Less than one per cent of the world's refugees end up in Australia.

But of course there has been an increase of late. I just bring the chamber's attention to the fact that the United Nations and its refugee agency, the UNHCR, have made it very clear that there are more refugees in the world today than there were in 1994. We have the highest level of refugees seeking protection today since 1994. No wonder there are people coming to Australia asking for our protection.

Since 1994, 15.4 million refugees, 937,000 asylum seekers and 28.8 million people have been forced to flee their homelands. But we are talking about how to manage the claims of a mere 30,000. It is out of proportion to believe that we have to cap, and stop processing, applications for refugee status because Australia is somehow being flooded by people who are fleeing war and persecution. We are not being flooded. Yes, we want as orderly a process as we can manage. Yes, people's claims need to be checked and we need to ensure that people who deserve protection are the ones getting protection. That is absolutely the case. But the idea that punishing people by freezing their applications in order to send a message to the wider public that the coalition government has our borders under control is just ludicrous.

I will tell you a short story about the impact on an individual's life of keeping refugees locked up in indefinite detention—that is, what will be a result of this decision to cap and freeze the processing of applications. There are over 1,000 children in immigration detention on Christmas Island. We know that the impact of detention on children is severe. We know it damages their mental health and development. We know it will scar them for life. How do we know that? Because we have seen it happen before. We cannot pretend anymore that we do not know the consequences of treating people like this. We do; we have seen them before. What will end up happening, as has previously happened, is that we will create the next damaged generation. These young people—these children—will grow up. They will end up being citizens in our country and we will have scarred them for life. Long-term detention and indefinite detention are dangerous, aside from how inhumane and immoral it is to treat a child like that. The cost to Australia of processing that child and their family's refugee claim in as timely a manner as possible and, if they are genuine refugees, allowing them to resettle is far
less in money terms and, obviously, in human terms. It is far better than damaging these children for the rest of their lives, which is effectively what we are doing.

Those who are living in the community on bridging visas are not allowed to work, study or do training. These people are very capable. They are very courageous: they have fled repressive regimes and brutality, whether it is the Taliban in Afghanistan or the smashing of democracy supporters in Iran. These people have done everything they can to protect their families. There is a courageous element to that. These are brave people. They have stared death in the face and said, 'We're not having that. I'm going to fight for my family and get out of here.' They get to Australia and are put on a bridging visa. Many of them are well-skilled—there are top doctors, teachers, engineers, IT specialists, tradespeople. These people are desperate to work, and we are keeping them pushed down in our community as second-class citizens and not allowing them to contribute while they stay on a bridging visa. And how long will they be on a bridging visa? There is no indication from the immigration minister of how long that will be, but we assume that it is going to be for a very long time.

It seems ludicrous to me that there is an entire group of capable people who want to work, who want to contribute and who want to be self-sufficient, and we are saying to them: 'No.' They are living in the community. They could be paying taxes, engaged in the workforce, engaged in training and preparing themselves for when they are given permanent protection visas, except we are saying, 'No. You sit there. You do nothing. We will pretend that you don't exist until the time that the immigration minister decides to lift the freeze on protection visas and starts granting protection to people who deserve it.' We are having a huge debate about the fact that regional Australia needs workers, and we are flying in temporary workers from all over the world. Yet we have right here people who have risked their entire life for a chance to start putting their lives together and contributing to a community—a society—that will respect them and keep them safe. We need to think outside the square a little bit more and engage these people in our society, engage them in work, and stop punishing them simply because they dared to flee for their life and the lives of their family.

This bill is not about granting those people refugee visas; it is about saying that the debates on these decisions, which have a profound affect on people's lives, should be discussed in this chamber and should be able to be allowed or disallowed by the parliament. To do otherwise is pure arrogance on the part of the government of the day.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (09:51): I too rise to contribute to the debate on the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013. I note that the bill relates to a cohort of in excess of 30,000 people who came here under the former government's failed border protection policies and whom the former speaker and person who introduced the bill into this place states are 'in limbo, in poverty and without work rights'. When the mover of this piece of legislation refers to those people as being 'in limbo, in poverty and without work rights', it is important to ensure that the Senate understands and that Hansard records that Senator Hanson-Young was a member of the former government. The Greens and the Australian Labor Party were in a formal written alliance. The Greens were part of the government under which these people came to Australia. It was the former government, of which Senator Hanson-Young was a part, that ensured these people remained in limbo because, under the former government, these people
were dumped into the community, and it was the former government which failed to commence the processing of these people. If there is any allegation that these people remain in poverty then that allegation should be directed squarely at the former government, which, again, Senator Hanson-Young was a part of.

In relation to Senator Hanson-Young's statement that these people are without work rights, I would again remind the Senate—and for the benefit of *Hansard*—that it was the former government, of which Senator Hanson-Young was a part, which placed these people into the community without processing them, and it was the former government's decision to deny them work rights. Had Senator Hanson-Young and the now opposition not disallowed the government's temporary protection visas in the Senate last week, these people would now have work rights. So I think it is a little bit rich of Senator Hanson-Young, now that she is on the other side of the chamber, to come into this place and pretend that the last 5½ years did not happen. This bill is a direct result of the actions of Senator Hanson-Young when she was in government with the Australian Labor Party and was complicit in—

**Senator HANSON-YOUNG:** Mr Acting Deputy President, I rise on a point of order. I would prefer that the minister did not mislead the chamber or *Hansard*. I am a member of the Australian Greens, not a member of any government.

**The ACTING DEPUTY PRESIDENT (Senator Fawcett):** There is no point of order.

**Senator CASH:** As I was saying, Senator Hanson-Young needs to remember when talking to this bill to ensure that history is recorded correctly. The Australian Greens were in a formal alliance with the Australian Labor Party and under that alliance they failed Australia and Australians in relation to border protection. The actual cohort to which this bill is directed is a cohort that came to this country under the former government, and in excess of 30,000 people were placed in limbo as a direct result of the actions of the former government. The former government did not commence the processing of these people. They were placed in poverty and without work rights as a direct result of a policy decision of the former government. Had this government's temporary protection visa initiative not been disallowed by the Senate recently, these people whom Senator Hanson-Young says do not have work rights would now be entitled to work rights if they had been granted temporary protection visas.

The reintroduction of temporary protection visas was one of the many measures taken by the coalition government to restore strength and integrity to Australia's immigration program and, as I have stated, to clear the backlog of Labor's legacy of in excess of 30,000 people who came to this country and who have quite literally been dumped into the community on bridging visas. Temporary Protection visas strike an appropriate and effective balance between a genuine need for safe haven from persecution and a disincentive for illegal arrivals, because, as a government, we are not honouring the promise of permanent protection that the people smugglers make to them when they encourage them to get on a boat and make the dangerous journey to Australia.

Of course, temporary protection visas directly respond to changing circumstances in a person’s home country. Temporary protection visas will allow those in need of protection to have access to work rights—unlike the current situation which Senator Hanson-Young supports, where people do not have access to work rights—and support services in the community. This is the case if they are allowed to be on temporary protection visas. These
benefits—and again I remind the chamber that these are the benefits which Senator Hanson-
Young has on a number of occasions advocated in this very chamber and, indeed, in the
speech that she just gave in support of her own bill—have been denied to asylum seekers as a
direct result of the Labor-Greens alliance in banding together recently to disallow Temporary
Protection Visas.

Given the failure of the Labor-Greens alliance to support this important measure, the
coalition government has chosen to regain control of the protection visa program by utilising
the visa capping framework in the Migration Act 1958 to determine the maximum number of
visa grants in the permanent protection visa class for this financial year. This was a necessary
step as it underlines the coalition government's resolve to ensure that persons who arrive in
Australia without visas are not granted permanent protection in Australia.

The cap on further protection visa grants is in place until 30 June 2014 and it will continue
to deny people smugglers a product to sell. The message from the government has been
consistent and clear: those who have travelled illegally to Australia will never be resettled in
Australia permanently. At the same time, the government continues to implement measures to
achieve a fair and orderly immigration program.

The cap on further protection visa grants also enables the government to ensure that we
strike the right balance between the offshore and onshore components of the Humanitarian
Program, providing the places to the most vulnerable who are patiently waiting to come to
Australia through regular, orderly migration channels. These are people who do not have the
means to pay the people smugglers and these are people who have been languishing in
refugee camps for many years. Certainly, a number of them that I met from the Congo were in
refugee camps for in excess of 20 years and, indeed, every single one of their children had
been born in a refugee camp.

The visa capping framework in the Migration Act 1958 consists of sections 85, 86 and 91.
These provisions commenced on 16 December 1992. Section 85 provides the minister with
the power to set a cap on the number of visas that may be granted in a specified financial year,
whilst section 86 prevents any more visas of that class being granted in that year once the
number of visas granted reaches the number in the cap. Section 91 then enables the minister
to consider those visa applications which are subject to the cap in the order in which he or she
determines to be the most appropriate. The visa capping framework has been used on very
many occasions by governments of both persuasions for many different visa classes—for
example, parent and other family visa classes amongst others. It is a mechanism which allows
for control when demand exceeds supply.

The cap does not stop visa processing, and I think that is a very important point to make,
considering it is not what Senator Hanson-Young says is the effect of the decision that has
been taken by this government. So, again, this cap and the ability of the minister under the act
to make such a decision does not stop visa processing. It is not a freeze and it is not a
suspension of processing. It is a mechanism to limit the number of grants which may be
issued in a particular financial year. Illegal maritime arrivals will continue to have their
protection claims assessed, and those who are refused a protection visa will still be able to
seek a review by the Refugee Review Tribunal. Successive governments have found that the
capping framework is useful to them when seeking to ensure that Australia's visa program is
managed in the best interests of the nation. Nothing is changed by this government's decision: the provision continues to be used for its intended purpose.

This bill proposes to amend the Migration Act 1958 to allow instruments made under section 85 to be disallowed by the parliament. Removing the government's right to cap a visa class without risk of disallowance, as this bill proposes, has the potential to lead to disorder and to inappropriately fetter the government's legitimate role in setting the Australian migration program in the national interest. It would impact not only the Humanitarian Program but also all other visa classes within the migration program.

The financial impact on the migration program may be to the detriment of the Australian taxpayer if control of these programs does not fully rest with the government of the day. It enables the government to determine the optimum size and composition, as deemed by the government of the day in consideration of the annual budget. The cap is reviewed each year and takes into consideration any changes in the level of demand and allocation of overall migration program planning levels. The visa capping framework also allows for program management mechanisms, such as enabling the minister to consider applications in an order that the government deems most appropriate. These mechanisms are essential, particularly in the case of the parent visa case load. The visa capping framework has enabled successive governments to validly exercise control over a range of visa classes over many years, leading to the orderly management and flow of non-citizens to Australia.

Mr Acting Deputy President Furner, rest assured that, although the Labor-Greens alliance is not willing to allow illegal maritime arrivals who engage our protection obligations to receive the benefits of temporary protection visas, including access to work rights—which, under the former government, they were denied. Temporary protection visas remain a key component of this government's policies, and we will be taking any action deemed necessary in the weeks and the months ahead in order to implement this policy and deliver on our commitment to the Australian people. This bill should not be supported.

Senator STEPHENS (New South Wales) (10:05): I rise to make a contribution on the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013 and I indicate on behalf of the Labor members of this place that Labor is not supporting this bill, for very sound reasons—principally, those outlined by Minister Cash, actually.

The bill amends section 85 of the Migration Act 1958 to allow legislative instruments designed under section 85—that is, the limit on visas—to be disallowed. Senator Hanson-Young's second reading speech on the bill states that the bill seeks 'to ensure that decisions made by the minister on visa limits are accountable to the parliament, rather than at the discretion of the minister'. Section 85 of the act allows the minister to determine the maximum number of visas that can be granted in any particular subclass in any specified program year.

So these limit determinations—referred to under this part of the act as 'capping'—are not subject to disallowance, due to the operation of section 44(2) of the Legislative Instruments Act 2003 that states that legislative instruments made under part 1, 2 or 9 of the Migration Act cannot be disallowed. But we know—and Senator Hanson-Young said it this morning—that this bill responds to the government's decision to cap the number of onshore permanent protection visas at 1,650 for the 2013-14 year, which means that no further onshore permanent protection visas will be granted until the new financial year.
This decision is in place until 30 June 2014, for a very obvious reason. We all know what that reason is. It is because in the new Senate the government will attempt again to bring back temporary protection visas. We know that that is what the game is all about.

But there are 30,000 people waiting to be processed. I think the Refugee Council of Australia, in response to that decision, made a very significant point in their media release. They described that visa freeze as:

... a new low in Australia’s treatment of asylum seekers.

They suggested that the decision to suspend the granting of new permanent protection visas for asylum seekers, for the treatment of some of the world’s most vulnerable people, was in direct response, as a petty political ploy, to the fact that the Senate disallowed the temporary protection visas. Petty politics at its worst is how the Refugee Council of Australia’s President Phil Glendenning described that decision. He also makes the very important point that suspending the granting of new permanent refugee protection visas also exacerbates the deteriorating protection environment for the world's refugees and asylum seekers. He says in this media release:

All indications are that global asylum applications in 2013 are at their highest level in more than a decade. At a time when the number of people displaced by persecution and conflict is increasing, Australia is turning its back on those in urgent need.

Mr Glendenning makes the point about the government's position on special protection visas that the reality is that:

... many refugees found to be in need of protection from persecution and currently living in limbo in Australian communities, will become long-term residents one way or another.

And, he says:

Past experience from the Howard Government years clearly showed that the great majority of people granted TPVs were never able to return home safely and ultimately were given permanent protection in Australia.

As he says, Australian governments—of whatever persuasion—have to find a form of protection for those refugees who cannot safely return to their country of origin in the foreseeable future that will allow them to settle and make a long-term commitment to Australia.

So what we saw in the decision by Minister Morrison—which was a very churlish knee-jerk reaction to the decision of the Senate to disallow temporary protection visas—was that he placed a bar on any further applications being made for permanent protection visas by people who arrive by boat—only by boat. Labor, of course, as we know, supported the Greens' motion in the Senate that disallowed the government's reintroduction of temporary protection visas because we believe that they are an anathema. It was actually the Hawke Labor government that introduced capping programs in 1988, and, as the minister said, the capping process is critical. It is the way in which we can balance and plan Australia's migration program each year, and it has been used in the past to manage the size and composition of the migration program rather than humanitarian programs. But—again, as the minister rightly pointed out—as the bill currently stands, this would apply to all instruments made under section 85, not just the humanitarian programs. And there is the rub. It actually becomes a very problematic proposition.
So Labor will not be supporting the bill. We believe that the Migration Act 1958 in its current form is appropriate to the circumstances because it does give ministerial discretion. It does give the minister the opportunity to make decisions about special circumstances. It does give the minister the opportunity to consider specific applications that warrant special consideration.

I know that you, Mr Acting Deputy President Furner, would have had the same experience as I have: that there are certain cases in our communities that come to light where we go in to bat on behalf of people in very difficult circumstances who might otherwise not have anyone to advocate for them. We have all been in the situation where we have been able to advocate on behalf of people seeking special consideration. The minister needs that discretion to be able to do it.

So our interest is in the Australian Greens’ proposals for reform. If a broader proposition was going to be put to the opposition, we would certainly be interested in considering such a proposal on its merits. But the decision that the minister made, in that spiteful media conference after the decision by the Senate, about exercising his discretion, to keep those waiting to have their applications processed waiting, was, as I say, a very churlish response. If you read the transcript of his comments, you hear something quite specific—a very veiled threat in those comments that says: 'We'll do whatever it takes.' The minister said this morning: 'We'll continue to do whatever it takes, and we'll take whatever action we want, and there are other things under consideration.'

We all should be very mindful of the fact that this is another case of this government making policy on the run. Having lost control of Operation Sovereign Borders, they are now desperately scrambling to try to look like they are in control when in fact the whole border protection policy is in complete disarray, and the way in which they are trying to manage it is under this nonsensical veil of secrecy.

We hear from the good citizens of Christmas Island through Twitter and other social media how many boats have arrived there, because the government has decided that they are not going to tell us how many they have turned back. We have discovered, haven't we, how many boats they have bought in Indonesian fishing villages? Zero. So freezing refugee claims from being processed is actually just another distraction. It is a ploy that we have had to deal with in the disarray, the confusion and the shemozzle which is all that we can describe the government's failed border protection policy as.

I just want to go back to the very passionate plea that Senator Hanson-Young made about refugees. We are all stuck in this really hard place. Global refugee policy and Australia's response, and how we deal with people-smuggling and how we deal with the desperation is a policy conundrum—one of those wicked policy problems that governments around the world are trying to deal with. We are actually in the situation where our refugee flow is mostly by boat, so we have a particular challenge in our jurisdictional area that other countries, for example in Europe, do not. If they have porous borders, they are dealing with challenges in a very different way.

But even the Refugee Council of Australia says, and I quote their principal policy position from their website:
The Refugee component of the Australian Humanitarian Program is motivated by the recognition that a balanced response to the world's refugee problems requires that provision of resettlement places for Convention refugees be part of that response.

UNHCR estimates the number of refugees in need of resettlement in 2013 at more than 850,000 people, while the total number of resettlement places offered annually around the world is around 85,000. Australia has allocated 12,000 places—of course, the Labor government was going to increase the humanitarian visas to 20,000 but the government has clawed those back—in UNHCR's resettlement program for the 2012-13 financial year—so we have 12,000 places now—plus additional places through the SHP. Continuing to offer resettlement places – particularly through a multi-year planned program – represents Australia’s contribution to providing solutions to what is a global problem and contributes to Australia’s international standing as a country committed to upholding human rights and humanitarian values.

Furthermore, as one of the few countries of the world with an active immigration program, there is an expectation that Australia allocate places for refugees as well as migrants. In other words, the refugee program enables Australia to play its part as a responsible member of the international community and to derive recognition for this contribution from other states.

The SHP is driven not so much by an international imperative but by the desire of community groups and individuals in Australia to make a tangible contribution towards assisting members of their communities in difficult circumstances overseas, particularly those who may not have access to UNHCR's resettlement processes.

That is really the argument for an orderly way of dealing with the visa applications.

That is certainly the story that we heard yesterday in the first speeches by our new senators Dastyari and Tillem. Those stories were both of circumstances of desperation and seeking hope and opportunity in Australia, and they were very moving and compelling stories. Senator Dastyari made the point that it is not government policy that affects whether or not people seek opportunity and refuge here in Australia, or seek citizenship in Australia; it is actually the fact that we live in the best country in the world. It is so true: it is not government policy that attracts or detracts.

But I must take issue with Minister Cash's fierce determination to promote the temporary protection visa regime, knowing that it is a central part of the government's asylum seeker policy. The return of temporary protection visas no doubt will be one of the first things that the government seeks to introduce in the new Senate, post July, because it is determined to promote the so-called benefits of the TPV regime and at the same time completely ignore what everyone found to be the complete failings of the temporary protection visa regime. This is why Labor, when it came to government in 2007, decided to remove that regime. So, for very good reasons, we abolished the scheme introduced by the Howard government.

The coalition keeps arguing that the temporary protection visa will be the only visa which asylum seekers who have arrived by boat will be eligible for if they are found to be in need of refugee protection. The duration of the TPV will be determined on a case-by-case basis, depending on the circumstances in the country of origin, but no individual visa will exceed three years in duration. This is a revisionist policy; we are going back to the Howard government's regime about TPVs.
Refugees will be able to apply again for temporary protection when a TPV expires but, again, each case will be assessed, with a decision based on the merits of the case at the time. If it is deemed that the situation has improved and that continuing protection is not required, the applicant will be required to return to their country of origin. Where it is deemed that the risk of persecution continues, a new TPV would be issued, again for a period of up to three years. Permanent protection visas will not be provided to a TPV holder within the first five years of the first TPV being issued, and any decision to grant permanent protection could be done only through the non-compellable intervention power of the minister.

The minister argues the strengths of the TPV regime include work rights and access to Medicare and other benefits. But what she did not say is that the work rights might be restricted to specific geographic regions; therefore, we may see refugees seeking temporary protection visas being sent off to northern Australia or the outback to work and live. Benefits paid to TPV holders unable to find work will be set at the discretion of the government but will not exceed equivalent Centrelink payments and will be subject to mandatory mutual obligation schemes like Work for the Dole. We can imagine where this is going, Mr Acting Deputy President, can’t we? TPV holders will not be entitled automatically to access settlement services or support, so what does this say about language, literacy and support services in the community? The minister is given discretion by exception to grant access to this support.

While on a TPV, refugees will be denied permanent residency, the right to apply for citizenship or access to family reunion under any program. And, if a temporary TPV holder chooses to leave Australia, he or she will be barred from returning. So there you go—that is the nub of what this government is trying to introduce, without any recognition or any acknowledgement of what we know was so bad about the last regime of TPVs. Not allowing access to services that are necessary for successful settlement creates a level of dependency and a lack of personal agency to do anything, and the idea of temporary status continuing on a rolling three-year cycle exacerbates the feelings of uncertainty and creates huge insecurities and tensions within communities. We know that is the case.

What do we say about denying people the opportunity of family reunion or travel rights? That is quite extraordinary and it leads to massive negative psychological effects that have been well documented, compounding psychological trauma. How do we deal with people who are going to be put on TPVs who have been through torture and trauma? How do they access the kinds of services that they are going to need to make the adjustment to living in Australia? And how do we deal with the fact that it is the ethnic communities of Australia that will be burdened with looking after those on TPVs? We know what happened last time: the big shift of costs was to charities, not-for-profit organisations and local governments, who stepped up to try to fill the gaps in supporting these people who need quite specific and extensive support. And, of course, what that does is just feed the narrative in Australia about asylum seekers and refugees being illegal or queue jumping. This is demonising refugees and asylum seekers. That is really not what this country is all about.

**Senator Ludlam (Western Australia) (10:25):** I am pleased to be able to speak this morning to the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013, which Senator Hanson-Young has brought forward for consideration of the Senate. As Senator Hanson-Young outlined, the bill amends the Migration Act 1958 to allow the section
85 limit on visas to be disallowable. We have not said at any time that the minister should not be able to set these caps. Nonetheless, when ministers have discretionary powers within their portfolios to make these decisions without the need to put something to parliament, if it is a matter as grave as this—a decision to place an indeterminate freeze on a human being’s livelihood—then we do not think that should simply be left to the discretion of the minister of the day at the stroke of a pen. So it is not the caps that we necessarily take issue with; it is the fact that those caps should be disallowable.

I commend Senator Hanson-Young not just for bringing this bill forward, because this is just a small piece of a much larger parcel, as other senators have identified, but for her determined opposition to inhuman policies that, as we have read over the last 24 hours, now amount to torture of human beings. And the government's highly politicised, very deliberate and systematic move to attempt to militarise the problem and to mischaracterise a humanitarian crisis as a military one is precisely the reason why you are failing, it is the reason the wheels have come off. It is a disgrace what is being done to the Australian Defence Force by hiding behind the uniforms of service men and women who signed up to defend their country, not to be dragged into the vile and politicised debate over some of the most vulnerable people on earth, who, when they take the risk they know may well lead to the deaths of themselves and their children in order to come to this country, are faced not with an orderly and legal and legitimate processing regime but with gunboats, with slogans, with ministers standing in front of banners and with vilification. This is killing people—you know that it is—and that is why it is such a disaster that you continue nonetheless.

An organisation with the gravitas and record of Amnesty International has described the detention centre at Manus Island as cruel, inhuman, degrading and violating prohibitions against torture, in its recent report. This is an organisation that exposes itself, by way of the resourcing of its members and volunteers and people around the world who care about issues like this, to some of the worst practices in the worst hellholes in the world. When it has accused an Australian government effectively of torturing people, it blows me away that coalition MPs can even show their faces in here and defend this practice this morning without some kind of apology. It is my strong view that what we are setting up here is an apology that will have to be made by a future Prime Minister, who will have to do what Prime Minister Rudd did in 2008, and, long overdue, stand and apologise on behalf of the entire country to a cohort of people who were abused with the consent of the executive and the government of the day. That is what we are setting up here—a situation where a future Prime Minister will need to apologise on behalf the country to the people who have been abused and damaged and lost through the government's misguided and quite violent asylum-seeker policies.

The centre at Manus has obviously been very difficult for journalists to access, but I congratulate Amnesty International and everybody around the world, and certainly in this country, who work in support of asylum seekers. Groups like the Refugee Rights Action Network in Western Australia, for example, do a mix of very determined advocacy but also take themselves into detention centres to see what they can do. They get toys and books into the detention centres, form friendships with people who are inside and then do the best they can to look after them when they are out.

Groups like the ASRC in Victoria also perform really basic tasks like counselling people who have fallen through our detention centres and have come out traumatised with post-
traumatic stress disorder. Their experiences in the detention centres have been laid on top of whatever it was that they were fleeing from in the first place, and it makes me feel ashamed to be Australian when I read that our worst fears have been confirmed, that the horror we are inflicting on people amounts to torture. It is something that obviously we have suspected for a long period of time. But all those who have opposed the policies of this government—and, when the wheels fell off the ALP, the former government's policy when they followed now Prime Minister Tony Abbott into the gutter on asylum seekers policies—have remained defiant and stayed with the campaign all the way through.

This morning we are acknowledging that the implications of a freeze on protection visas are devastating. After the disallowance of TPVs went through last week, it looked like nothing more than a tit-for-tat tactic, a five-year-old child throwing his toys out of the cot, and there was a minister, looking around for some kind of political tactic to retaliate. But he did not choose a political tactic to retaliate; he chose to make the lives of human beings even more miserable. Well played!

These are refugees including women and children who are being detained in immigration detention, some for years—some for more than four years. Some are currently living on bridging visas with the right to work, and others subject to community detention will never now be granted permanent protection in Australia. The freeze condemns these refugees to a life of fear and uncertainty.

I have spent, as I suspect many of us here have—and I know that Senator Hanson-Young certainly has—a measure of time in some of these detention centres. We have seen the situation gradually become more and more degraded and worse and worse until we are forced to confront the realisation that conditions inside detention centres offshore and onshore are not degraded and vile by accident. They are like that deliberately. We are trying to persuade people who have fled war zones and risk of torture and killings and disappearances—as are still occurring in Sri Lanka—that they are better off staying in those circumstances than they are fleeing to the protection of Australia. One of the people interviewed in this Amnesty International report, a 43-year-old gentleman from Iraq—he is my age—said:

I have lived in war zones with bombs and explosions. I have never experienced what I am experiencing here with the uncertainty that we face. If we had died in the ocean that would have been better.

This means, Senator Cash, that you are getting close to your policy objective of being more terrifying and worse than a war. Is that really what you are setting out to do? If it is, you should just jump up and say so. I suspect people like me would probably breathe a sigh of relief that you are no longer pretending that it is in the best interests of the people you are looking after, who have fled and exercised their international legal rights to seek asylum, to have you then say that it is for the best, that we are trying to prevent drownings at sea.

I do not think you are, and it pains me to say that. If you go back over the last few years, I figure that there was a genuine will within this parliament, at least for a period of time, to try to do everything that could be done to prevent deaths at sea. The Australian Greens believe, obviously, that the best way of doing that is to provide a safe pathway for people. But I do not think that is what the coalition has ever been about. It has been about turning a humanitarian emergency into a national security one, because that is where you think you are on safe ground. Parade the gunboats, parade men and women in uniform to provoke fear in the community, and then rescue people from that fear. It is disgraceful. It is a very old political
tactic. It is not something that I think should be pursued any further. What I hope for the most is that you will see just how badly that tactic is failing when you try to convert a humanitarian crisis into a national security one. There is no doubt at all that your tactics will fail. But this is not merely a political question, because lives are at risk and people's futures are at risk.

As at May 2013, there were 1,731 children still locked up in Australian detention centres, children who have arrived as asylum seekers, who have already experienced severe traumas. So you might want to think about your apology, about the future apology that a Prime Minister will need to make to those children who committed no crime either in Australia or in the countries they fled from. The only thing that they appear to have done wrong, whether they came here with their parents or not, is to arrive at a time when the politics of people fleeing and seeking refuge is as degraded as it has ever been, certainly in my political memory.

The reason I think that Minister Morrison has chosen this tactic, as I said earlier, is that he wanted some way of maybe mitigating the humiliation that he might have felt about the TPV disallowance last week. But temporary protection visas do not work as a deterrent. I would have thought that those of you who were in government during the Howard years at the time of the SIEV X disaster would know very, very well—viscerally in fact—just how poorly TPVs fail as a deterrent and as a policy instrument. In 1999 when they were introduced, they did nothing whatsoever to stop the flow of asylum seekers by boat. In fact, they probably had the reverse effect. In the two years prior to the introduction of TPVs, 1,078 people arrived by boat. In the first two years following the introduction of TPVs, 8,312 people arrived by boat. And you know this well: by denying family reunion, more women and children were then forced to take the perilous boat journey to Australia.

But it is as though we are operating in fact-free environment where, as long as you front up and are a little more hairy-chested today than you were yesterday or the day before that, you will be able to get the headline that you are strong on border protection and stronger national security. Meanwhile, behind the scenes, people are traumatised and now camped in situations that amount to torture in the detention centres, where it is actually very, very difficult to get an independent and objective view of what is going on there.

On behalf of the Australian Greens and those of us who are fleeing the building to spend time with loved ones over the holiday season and take a break: we will not forget the plight of those who came to Australia seeking a better life, for whatever reason, fleeing some of the worst regimes and situations anywhere on earth, who are locked up behind razor wire with or without their children, not knowing whether their family are safe or whether or not they will be protected, for whom the idea of Australia as a beacon of democracy, human rights and wellbeing in the region has been exposed as a cruel joke.

I wish everyone in this chamber well. Take time over the break to reflect on the impact that the policies, bills and measures that we pass in here have on the lives of real human beings. I am proud to stand with those in the community who utterly reject the policies of this government as they have tripped from failure to disaster, from one scandal to another, while hiding behind the uniforms of the ADF. We will not rest until these policies have been reversed and we have a policy that respects international law, that respects human rights and that respects the individual aspirations of the people who seek refuge here when there is nowhere else to go.
Senator SESELJA (Australian Capital Territory) (10:38): The coalition will not be supporting the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013, as has been laid out by the minister quite eloquently. I want to address some of the arguments that we have been hearing from the other side, particularly the Greens, in relation to this space but also the complicity of the Labor Party and the Greens in relation to the issue of temporary protection visas. I want to go through a number of the points that have been made by Senator Hanson-Young and Senator Ludlam in defence of their argument and in defence of their view of how immigration should occur in this country. This Greens view of the world is a view that we utterly reject. It has been proven to fail time and time again.

Senator Hanson-Young: It is not a Greens view; it is international law.

Senator SESELJA: Senator Hanson-Young says it is not a Greens view of the world. It is. It is a Greens-Left view of the world. I was not going to quote Bob Carr yet, but I will. Bob Carr, a former senator in this place, said: If you want to embrace the Greens-Left-Fairfax-ABC position, you are going to go backwards at the next election.

He said that there should be no daylight between the Labor Party and the Abbott government on asylum seekers. He made it very clear, and Bob Carr was right on that point. Bob Carr was wrong on a lot of things, but he was right on that point. Unfortunately the Labor Party in opposition has not taken his advice, and that is part of the reason we are having this debate and part of the reason that Scott Morrison has had to respond—because of the way the Labor Party combined with the Greens to abolish temporary protection visas, which I will come to in a moment.

Let us be absolutely clear. When we hear the Greens talking about the number of people in detention, let us remember that when the Howard government left office there were no children in detention. After six years of a Labor-Greens government, that has radically changed, and that is the fundamental problem that the coalition now has to address. It is not because we take some relish in this—we have to do this. This is an issue of significant national importance.

It did not have to be like this, because the policies of the former Howard government worked. The Labor Party, in conjunction with the Greens, egged on by the Greens and supported by the Greens at every turn, sought to dismantle that effective refugee program. When you dismantle it, you get negative, adverse consequences—as we have seen—that involve thousands of people taking the dangerous journey. Unfortunately, we know more than 1,000 people have not made it to Australia and have perished at sea trying to come to this country because the policy settings changed and the former government opened up a situation where the sugar was back on the table. Bob Carr and others in the Labor Party have recognised this—at the very end Kevin Rudd tried to recognise this—but Labor in opposition is taking a different approach, and they took it when they disallowed temporary protection visas.

I will go the point of temporary protection visas. The government acted swiftly to ensure that none of the 33,000 people who arrived in Australia illegally by boat under Labor's watch and were yet to be processed will be granted a permanent visa, despite the Greens and Labor disallowing temporary protection visas. Unlike Labor and the Greens, the coalition will never act to honour the promise of a people smuggler by providing their customers with permanent visas in Australia. We got to this point after Labor and the Greens voted to disallow
temporary protection visas, in defiance of the mandate for this measure from the Australian people. Minister Morrison used his powers under section 85 of the Migration Act to immediately cap the number of onshore permanent protection visas available to be granted in 2013-14 at the 1,650 issued prior to the swearing in of the Abbott government. The government's actions mean that no further permanent protection visas can be granted to any onshore applicants this financial year, thereby denying permanent residence to any of the 33,000 people onshore in Australia who arrived illegally by boat on Labor’s watch and honouring our promise to the Australian people.

That is where we have been forced by the reckless actions of the Labor Party, combining with the Greens in this chamber, to prevent the coalition from taking the necessary steps to get our migration program back under control. That is what the Australian people expect, and that is what the Australian people deserve. We have seen what happens when you lose control. We have seen the unprecedented cost, the chaos and the tragedy. Under Labor, more than 50,000 people arrived illegally on over 800 boats and more than 1,100 people tragically perished at sea after people smugglers’ boats sank. More than 6,000 children have had their lives put at risk by making the dangerous journey to Australia. More than 14,800 desperate people have been denied precious resettlement places under our Offshore Humanitarian Program because those places were taken by people who arrived illegally by boat. This is an important point to make when we hear the arguments from those on the Left, particularly in this case from the Greens, who now lament that there are children in detention, when they contributed to the policy mix that dismantled the program which left no children in detention. No children were in detention at the end of the Howard government under the policies that they opposed. They opposed them and then they sought to dismantle them. We now have the tragic consequences of that and now, as the coalition does its best to try and fix that, at every turn we are frustrated by those opposite—and that is fundamental here.

But, when we talk about the 14,800 desperate people who have been denied a resettlement place, that is absolutely at the heart of this argument and that is one point that the Greens cannot ever answer, because the first question you have to ask yourself is: do you put a cap on the number of refugees that Australia takes? Ninety-nine per cent of the population would say, yes, you have to have a cap. We can have legitimate arguments about what that cap should be at any given time, but I would make the case that Australia has always been generous in the number of refugees that it takes. We can argue at the margins about how many that should be, but we have always been generous by international standards in how many we take.

If you agree that you have to cap it and if you agree that it is not unlimited and that there has to be a cap and that it has to be managed, then you must manage it. That is the fundamental difference between the coalition’s approach and that of those opposite. That means having a suite of measures which says to people: 'If you get on a boat, if you take that dangerous journey, there won't be a permanent settlement in Australia at the end of it. That is not the way to come to Australia.' There are many more refugees in the world than we can take and therefore we have to make choices, and when we see the Greens’ view of the world prevailing it is the people smugglers who get to choose. It is they who are choosing who comes to this country; it is not the Australian people and it is not the Australian government. It is not done on the basis of need; it is done on the basis of who can get to this country.
That should not be the basis of your immigration program or your humanitarian program. It should not be on the basis of who is able to make it by boat to this country. So the coalition has made it very, very clear that if you come illegally you will not get permanent settlement in this country. That is the only way we can properly manage this issue, because as soon as you change that equation—as soon as you say, 'If you get here you might get an advantage over those who are waiting in refugee camps'—then people will take that journey and they will do it in their thousands. We were told by the Labor Party, when they started dismantling the process, that the reason the additional arrivals were coming was push factors. They were arguing that it had nothing to do with the policy settings of the Australian government, that it was all about external factors—as if there were not push factors during the Howard government, as if there was not significant unrest in other parts of the world that was pushing people.

Unfortunately, there are always push factors. There are many parts of the world which are not peaceful. There are many parts of the world where people are persecuted for all sorts of reasons. So there are always push factors, unfortunately, and that is one of the reasons why we have to have a generous refugee program. But the Labor Party argued that it was just the push factors and it had nothing to do with the policies. Well, we know that they were wrong not just because of the experience and not just because we can point to the statistics of how many people arrived by boat after they changed the policies. We know they were wrong because they acknowledged it by changing their policies. They acknowledged that policies in Australia actually do matter, that there are pull factors, that there are incentives. People smugglers do respond to the policies of the Australian government, and when we get it wrong, as the Labor Party did with their Greens coalition partners, the consequences are tragic: the people smugglers respond, and more people get on boats. That is the legacy that Scott Morrison and Michaelia Cash and the Australian government are now seeking to deal with.

I think there is a particular aspect too of the Greens' position on this which does need to be highlighted, and I know the minister did highlight it. It is this issue in relation to the disallowance of temporary protection visas and the consequences of that. The consequences now are that the work rights that would have flowed under temporary protection visas do not exist. They do not exist, so the Greens, along with Labor, have voted for a situation where these thousands of people who are in this country are now in a situation where they cannot work. Anyone who gives that a moment's thought will see the kind of social consequences that can go with that. That is another legacy of getting it wrong. That is not compassionate.

*Senator Hanson-Young interjecting*—

*Senator SESELJA*: You have made the decision. The Greens have made the decision that temporary protection visas, which would have allowed work rights, are not going to be allowed. We see the false compassion.

*Senator Hanson-Young interjecting*—

*Senator SESELJA*: It is not compassion. Your policy is not compassionate. The Greens' policies lead to people getting on boats. They lead to people getting on boats, and they have voted for a situation where these thousands of people have been drawn here by that dismantling of those policies and they are now confining them to a situation where they will not have work rights. That is the policy that they have now put in place through their votes in this Senate chamber, and the squawking we hear across the Senate is reflective of the shame
that they should feel for the policies that they have advocated. The Greens have advocated them; the Labor Party have implemented them when they were in government; and our job now is not to follow that view of the world. As Bob Carr rightly said—Bob Carr got it spot-on with this issue; he got it spot-on—the Greens’ left view of the world is not the way to go; it is not the way that a responsible government goes. We do expect that from the Greens. They will always advocate for those irresponsible policies. The Labor Party have chopped and changed on this issue. They chopped and changed in government, and they appear to be chopping and changing in opposition.

In conclusion, I simply restate that we now need to be able to get on with the job. The coalition have a mandate to stop the boats and to regain control of our migration program and of our humanitarian program. That is the task that all Australians of goodwill want to see. We do not want to see people getting on boats. We do not want to see people perishing at sea. We do not want to see people languishing in this country without work rights. We want to have a controlled migration program. That is what we need to do, that is what we should be allowed to do, and the kinds of stunts we see with bills like this from the Greens do not assist that. That is why this bill should not be supported.

Senator Lundy (Australian Capital Territory) (10:53): I thank the Senate for this opportunity today to speak on the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013, and I acknowledge the work of Senator Hanson-Young to bring this bill before the parliament.

The bill before this place proposes to amend the Migration Act 1958 so that instruments made under section 85 would be subject to disallowance. As it has already been expressed, section 85 of the act allows the minister to determine the maximum number of visas that can be granted in a particular subclass in a specified program year. Visa limit determinations made under this part of the act are not subject to disallowance. This is because 44(2) of the Legislative Instruments Act 2003 specifically states that legislative instruments made under the part of the Migration Act 1958 cannot be disallowed.

As Senator Hanson-Young has explained, the purpose of this bill is to override the determination made by the government on 2 December via legislative instrument which caps the number of protection visas that can be granted for the 2014 financial year and to ensure that changes to visa limits are subject to parliamentary scrutiny.

In outlining our position on the bill, the Hawke Labor government introduced capping the visa program numbers back in 1988 as part of a suite of significant reforms in response to a major report from the committee to advise on Australia's immigration policies titled Immigration: a commitment to Australia. The reforms also included the division of the immigration program into three main streams—families, skilled and humanitarian—and the establishment of the Bureau of Immigration Research. Since its introduction, capping has been critical in the balancing and planning of Australia's migration program. It works by limiting the number of visas issued in some categories while increasing the proportion of visas issued in others. The point is the government has control.

As explained clearly by the Department of Immigration and Citizenship back in 2010, the Migration Act 1958 allows the minister to cap or limit the number of visas which can be granted each year in a particular visa subclass. This limit or cap applies only for the migration program year in the year in which it is introduced. When a cap is reached, applicants then
wait in a queue for visa grant consideration in a following year, subject to places becoming available. This means that when the number of visas set by the minister for a visa class before the migration program year has been reached no further visas can be granted in that program year.

The capping power comes under section 85 of the Migration Act, and instruments made under section 85 of this act are not subject to disallowance, as I said. As mentioned, the bill before this place proposes to amend the act so that instruments are subject to disallowance, with the effect of this bill being that any decision by the minister to cap a certain visa class could be disallowed by the parliament. This would apply to all instruments made under section 85, including those relating to family and skill streams, not just the capping of protection and humanitarian visas.

Labor has been supportive of the mechanisms available to manage the migration intake, in particular visa subclasses, and it is for this reason that Labor will not be supporting the bill as it currently stands. As my colleague Senator Stephens expressed, if the Greens wish to put forward a proposal on reform, the opposition would consider such a proposal on its merits—if and when such a proposal were to be put forward.

I do acknowledge that this bill comes in response to the coalition government's decision to cap the number of onshore permanent protection visas for this financial year. This means that no further onshore permanent protection visas will be granted until the new financial year, leaving some 30,000 waiting to be processed. Let me be clear about this: Labor not supporting the bill we have before us today by no means condones the irrational decisions or misuse of the intent of the discretionary powers under section 85 of the Migration Act by the relevant minister. The decision of the government minister on 2 December means that there are going to be nearly 30,000 people being supported by the government without their status being resolved. This is policy on the run from a government that has lost control, and it is possible now to observe a government that can only be described as faking it when it comes to having a managed immigration process.

The government's border security policy is in disarray, and the government circus of secrecy on border protection and asylum seekers continues. The government will not tell us how many boats it has turned back, it will not tell us how many boats it has bought in Indonesian fishing villages, and the government continues to refuse to answer questions regarding the status of tow-backs, turnarounds and the use of community wardens. Freezing refugee claims from being processed is yet another distraction from this disarray of the Abbott government's failed attempts to manage the humanitarian and asylum seeker issue. I believe the Australian public deserves better, and the Labor opposition has continually tried to hold the government to account for its appalling attempt at secrecy around these issues. I will give you an example: the government's figures demonstrating the so-called success of Operation Sovereign Borders failed to take into account the impact of the PNG arrangement implemented under the former Labor government. Having been in office for more than 12 weeks now and having just visited Papua New Guinea, Minister Morrison has confirmed that he has not changed a single clause of the agreement put in place under the Labor government. There is no denying it is a very tough policy designed to break the people smugglers' model, but in the fortnight prior to the election, on 7 September 2013, there was an average of two
boat arrivals per week. This is precisely the same average rate of boat arrivals, according to Minister Morrison.

Labor's PNG solution appears to be having an impact, and yet we still have a coalition government so intent on using this as a divisive issue within the Australian community that it cannot acknowledge a positive impact. As we said when we were in government, the Labor Party were focussed on the need for a durable regional solution—a partnership with our South-East Asian neighbours to destroy the people smugglers' model and support the UNHCR in managing a strong and compassionate offshore humanitarian program.

We sought to do this acting on the advice of an independent expert working group in an effort to extract this issue from the torturous grip of the pejorative politics the coalition were so intent on playing. Alas, this was to no avail. The Abbott government, then in opposition, ramped up their divisive approach with the evidence of this manifesting itself in their opposition to the proposed Malaysia arrangement. With a great deal of gall the then opposition spokespeople, Mr Morrison and Senator Cash, mounted their case on the fact that Malaysia was not a signatory to the UN Convention relating to the Status of Refugees. It is important to remember this, in the current debates and as we see the scenario unfold, in the context of the Abbott government's actions and their language and decisions in relation to asylum seekers.

I would like to take Senator Seselja to task on his claims, amongst many, that the coalition are intent on optimising pathways for refugees coming through a managed offshore program. This can be completely unpicked when you look at the coalition's policy of reducing the refugee intake from 20,000 to 13,750. The coalition had the opportunity to demonstrate goodwill in this regard by maintaining the higher number of refugees through our humanitarian program, but in a contradictory way they reduced it. Claims of supporting so-called legitimate pathways to Australia—those through managed offshore processing centres with the support of the UNHCR and other NGOs—are completely undermined by the government's actions.

It is worthwhile taking the time, as we are presented with opportunities such as Senator Hanson-Young's bill, to hold the government to account for their hypocrisy and their counterclaim that somehow Labor's efforts in government were ill-motivated. Nothing could be further from the truth. Having been involved in the portfolio, as Minister for Multicultural Affairs at the time, I know the effort we put in and the lengths we went to, in the first instance, to extract the divisive politics from a vexing issue. This is an emotional issue for many Australians—be they refugees, supporters of refugees or at the other end of the spectrum. It is this emotion and fear that the coalition choose to exploit in their continuing approach to asylum seekers. In contrast, Labor's approach was to manage soundly and effectively by looking at the long-term durable and sustainable arrangements needed in our region.

Our approach involved working with near neighbours, including Indonesia, Papua New Guinea, Nauru, Malaysia, Thailand and many others, where we know there is an increasing flow of asylum seekers and people seeking a better home to give their kids a better chance. We also know that the coalition made blatantly untrue claims that when the Howard government left office there were no children in detention and therefore the increasing numbers during Labor's period of government are evidence of monumental failure. We know
circumstances changed during that time and that Labor, in working with our regional partners and taking advice from an independent working group, did its utmost to extract the divisive party politics that have come to characterise this issue.

This is probably most evident in the discussion around temporary protection visas. Labor's stance on temporary protection visas is longstanding and very well known. When we were elected to government in 2007, we abolished the TPV scheme introduced by the Howard government. We knew that the issuing of temporary protection visas would remove what was seen as a very unfair system when people's status was unresolved. We know from looking at the numbers that temporary protection visas did not provide the disincentive the then Howard government and the now Abbott government claim. When we put the PNG arrangement in place no-one was to be resettled in Australia. The use of temporary protection visas would undermine that disincentive through the PNG Regional Resettlement Arrangement put in place under the Labor government. As I said, these are extremely tough policies, but they show that the use of TPVs undermines this approach—an approach which, on the evidence, appears to be working, without acknowledgement from the Abbott government of course. The PNG arrangement took Australia as an option off the table. That is what has made a difference. We need to smash the people-smuggling model, and Labor's policies were intent on doing that. We need to put in place a very real disincentive for people to get on dangerous vessels.

I would like to conclude, as my colleague Senator Stephens did, by reflecting on the great virtues of having a strong migration system. We heard last night the personal migration stories of two new Labor senators and their parents. As a former Minister for Multicultural Affairs, I have heard so many moving stories of first, second and third generation migrants who were able to tell the story of their parents' journeys in very moving and substantive terms. These stories are part of Australia's story. Our history will continue to be informed and enriched by the life experiences of people who find their way to our country by whatever means. Our attitude towards migrants, be they humanitarian entrants, skilled migrants or entrepreneurs who find their way here because they think that Australia offers the best platform for them to contribute to civil society one way or another, is something we can be extremely proud of. We know now as an opposition, as we did when we were in government, that it is our utmost responsibility to have an orderly migration system, certainly; but it must be a migration system that serves the needs of Australia first and foremost.

When you look at all of the evidence of the civic and economic contributions of humanitarian entrants to our country, that contribution is immense. One of the things we were able to do in government was to conduct a series of research exercises to quantify the kinds of contributions that have come from our different cohorts of migrants over the more recent generations. One of the most heartening pieces of research that I read was the documentation of the contribution of humanitarian entrants to civil and economic life in this country. It is profound. They have a higher propensity to invest in their own education and their children's education and to volunteer in the community.

The other issue, of course, is the importance of finding work. As Senator Dastyari and Senator Tillem both reflected in their respective stories of their parents coming to Australia—fleeing very difficult circumstances elsewhere—the right to employment was first and
foremost a key determinant in their ability to settle their families successfully and to raise their children with such astounding results.

I would like to close on a very positive note. All of us in this parliament, and certainly in this place, have a responsibility to make sure that, when we do reflect on our humanitarian program and the vexing issue of stopping people smuggling and supporting a strong and sustainable humanitarian program, we do so in the best possible spirit that underscores who we are as Australians. Humanitarian entrants, asylum seekers and refugees all have a story to tell. They are all very human stories and they should sit at the forefront of our minds when we consider such matters.

Senator WRIGHT (South Australia) (11:10): I rise in support of the Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013. This Australian Greens bill amends the Migration Act 1958 so that legislative instruments designated under section 85, which relates to a limit on visas, can be disallowed. In other words, this bill seeks to ensure that the decisions made by the minister about visa limits are ultimately accountable to this parliament. This bill will give the parliament a final say on visa caps and freezes and not leave it in the hands of a minister who has a track record of capricious and punitive decision making.

Why are the Australian Greens introducing this important bill? Last week, the Minister for Immigration and Border Protection, Scott Morrison, made a decision which placed a cap, a limit, on the number of protection visas for the 2013-14 financial year. His decision will affect many, many people—the 30,000 asylum seekers who are currently waiting to be resettled in Australia. The freeze is retrospective. That means that, as the cap of 1,650 protection visas to be issued for this financial year has already been reached, it leaves those who have already been determined to be refugees in a state of limbo and prolonged uncertainty. Of those 30,000 asylum seekers, 21,000 have been legally determined to be refugees and are living in the community on bridging visas.

Let us go back to basics and pause and remind ourselves what it means to be a legally-determined refugee. What does it require? A refugee is a person who has been found to have fled their country of origin. It is a person who has fled because they have a well-grounded fear of persecution because of their race, their religion, their nationality, their membership of a particular social group or their political opinion. It is also a person who has been found to be unable to rely on the protection of the authorities in their country of origin, and so they have fled—seeking refuge, seeking a sanctuary.

The Greens do not support bridging visas, because they condemn applicants to a state of limbo. These vulnerable people are not allowed to work and may only receive temporary or reduced government financial support—financial support which is not adequate to keep body and soul together.

I would like to tell you something about what it is like to live in a state of uncertainty or limbo. This is based on a meeting I had with a young constituent of mine, a young man of 20. I will call him J, because his name starts with the letter 'J'. He approached me recently. He came to Australia in 2010 when he was 17, and he was one of the lucky asylum seekers, in a sense, because he was granted a permanent visa to remain here indefinitely. J was a Hazara refugee from Afghanistan. While living in Afghanistan with his family—his parents and his
four siblings—his father disappeared and it is strongly believed that he was murdered by the Taliban because he was transporting government wheat in his truck.

Prior to that and thereafter, J and his family were constantly threatened because they wanted to vote and because they were going to school. Finally, he tells me, his mother beseeched him to leave. She was so fearful that he would die like his father that she beseeched him to leave, and yet he also told me that, when it came to the point of him leaving, she was in tears and strongly wanting him to stay. She was what every mother would be in that situation: she was trying to save his life and yet so sad to see her son heading off wherever, not knowing whether she would ever see him again.

Now J lives in Adelaide. He works two jobs, and his mother and his four siblings were able to escape Afghanistan and are living in Quetta in Pakistan. It is a place of extreme risk, and they are living on a very low income such that they can barely feed themselves and keep body and soul together. I saw J because one of his employers at his two jobs brought him to me because he was absolutely despairing of J's future and also his welfare. He noticed that J was not concentrating very well at work—he had always been a very hard worker at the manual job—and discovered that J had not eaten for 48 hours because he was so desperately trying to save money to send to his family and also to try to bring them to Australia. He was actually extremely malnourished. So he brought him to me and wanted J's story to be told.

J's anxiety and despondency is totally compounded by his fear for his family in Pakistan and the constant knowledge that the money that he is able to send to them from two jobs while also contributing to a household of other asylum seekers who are not employed and not able to work means he has not only no money for himself but also insufficient money to send to his family. When I met him in September J was despairing because he was fully aware of the new government's posturing on immigration and that it boded very ill for his ability to reunite with his family here and for the asylum seekers with whom he shared his home who did not have permanent visas.

I want to say that these punitive policies do not work as a deterrent. No matter how well people like J understand the punitive measures our government is imposing, they are always going to weigh those up with the conditions in their country of origin. When someone is facing death, rape, persecution or torture, they ultimately will have no choice but to vote with their feet. All these punitive policies do is compound the suffering they have already experienced when they come to our country seeking refuge.

For J, his fear for his mother and his siblings' safety is the reason he wants to bring them here. It is that simple. He is an extremely impressive young man. He is an intelligent young man. He would love to study, particularly maths and science. Whether he will ever have a chance to do that in Australia I do not know. He is a loving son and brother. He feels incredibly responsible and loyal to his family and he feels intense distress not only at the dangers they are in but also at the uncertainty in the area of asylum seeking and refugees in Australia.

This decision by the immigration minister will affect 30,000 asylum seekers. As I said, 21,000 of them are refugees and the remaining 9,000 are being held in detention centres or community detention. As we know, the United Nations has recently slammed the conditions of Australia's offshore detention camps. Its High Commissioner for Human Rights visited the Nauru and Manus Island detention centres in October last year, and the findings were
alarming. They said the centres did not comply with international law standards. What a shameful thing for Australia to have a UN representative saying we do not comply with international law standards. In particular they found that they do not provide a fair, efficient and expeditious system for assessing refugee claims and are uncertain and capricious rather than operating under a fair and reliable rule of law that we in Australia would demand for ourselves. They do not provide safe and humane conditions of treatment in detention and they do not provide adequate and timely solutions for refugees.

The implications of this government's freeze on protection visas are devastating. Asylum seekers, including women and children who are being detained in immigration or community detention—some for more than four years—and those on bridging visas will never be granted permanent protection in Australia. I have to ask how deeply these Australian governments—and there is a poor track record on the part of the previous government too; let's be really honest about that—are willing to sink in our name before they realise that cruelty does not work and that it is not the way that we want to behave on the international stage in Australia.

By keeping the world's most vulnerable people, who have come seeking our help, in a state of permanent limbo, the government is compounding refugees' suffering, including increased risk of mental and physical health problems. We are already seeing those effects amongst asylum seekers, of course. I think we are all now aware of the 7.30 report about Manus Island in relation to the findings of Amnesty International. Last night the 7.30 program aired a report with information from AI's researchers and translators who accessed Manus Island last month. These professional people who have seen the best and worst of human rights being upheld or abused around the world called the conditions in our detention centres 'cruel, inhumane, degrading and violating prohibitions against torture'. That is Australia. That is our responsibility in 2013.

One asylum seeker said: 'I get about four to five hours sleep a night due to tension and I have nothing to keep me busy. I'm just thinking and thinking through the night. I'm mostly thinking about how I can't do anything for my family.' Amnesty's team has described appalling living conditions on Manus Island, with overcrowding, a lack of medical services and little to no access to communication with the outside world—telephones or the internet. There is a lack of basic things: a lack of soap for the toilets and water in spite of requests of the medical staff.

As the Australian Greens spokesperson for mental health, I am particularly concerned about the entirely foreseeable impacts on these people's mental health. It is a matter of grave concern to me. We are already seeing a wide range of mental health problems, with depression, anxiety and lack of sleep compounding the impacts of the trauma that these people have already experienced and that has led to them fleeing their countries of origin in the first place, particularly where they have been subject to war, conflict and torture. Amnesty reports found that the mental health facilities on Manus Island are not adequate, and that is entirely consistent with the lack of support for people's health generally, with water rations amongst the people living on Manus Island reported to be as little as 500 millilitres per person per day.

The UN have particularly slammed the Nauru detention centre, saying it is rat infested, cramped and very hot. This is a place where people will be living indefinitely. They called for
an end to sending children, particularly unaccompanied children, to these detention centres. The UNHCR's Richard Towle has said:

The toughness of the physical conditions is superimposed on a mandatory detention environment and that compounds people's uncertainty.

It plays with their minds. He said:

If not addressed very carefully, we could see a fairly rapid degradation of psycho-social and physical health if people don't have a fairly early determination of their fate and future.

Australia, I am saying it is reprehensible to treat our most vulnerable fellow human beings in this way. What are we doing?

The Senate's decision last week to scrap temporary protection visas was an important step in the right direction. To me it was a way of drawing a line in the sand and saying, 'We have sunk low but we will sink no further.' I was very proud to vote with the Australian Greens against the reintroduction of temporary protection visas, because we know that they do not work as a deterrent. They may be punitive, but they do not work if the proposed objective is to deter people. In 1999, when temporary protection visas were introduced, they did nothing to stop the flow of asylum seekers to Australia by boat. In fact, they had the reverse effect. In the two years prior to the introduction of TPVs, 1,078 people arrived by boat. In the first two years following the introduction of TPVs, 8,312 people arrived by boat. Not only did they not deter the new arrivals but the devastating impact of denying family reunion was that more women and children were forced to take that perilous boat journey to Australia, which often ends in tragedy as we know.

So, denied the ability to issue temporary protection visas, what was the response of our statesman-like immigration minister and Prime Minister? We are currently seeing the very unedifying spectacle of punishment for punishment's sake. It is tit for tat. It is a vindictive move by Scott Morrison and Tony Abbott. They have made a cruel decision to freeze the number of protection visas, deliberately targeting the vulnerable human beings who are most affected by this whole sorry situation. The freeze will condemn these refugees to a life of fear and uncertainty, and it leaves open the possibility of returning vulnerable refugees to the very dangers that they originally fled from.

The long-term separation from a person's family and homeland and the impacts of arbitrary indefinite detention in cruel conditions, particularly for the children who are in offshore detention, will only add to the disastrous mental health impacts we are already seeing. This is a far cry from the kind of Australia that I grew up in and that I believed I would be seeing. This is a far cry from the compassion and the decency that I think are at the heart of most Australians, particularly when they know the human faces and the human stories of the people that we are treating in this way.

I would just like to share with you another story about the effects of these policies on human beings so that we cannot turn away and pretend that we do not know what this does. Each of these 30,000 people that we are talking about is an individual with a human story and a human context. Recently I visited a small primary school in South Australia. It is one of the primary schools that would benefit from an injection of funds if the Gonski formula is properly applied, because it is an area of disadvantage, but it is a joyous place to visit because it is inclusive, respectful and incredibly diverse. It is a wonderful place with wonderful staff and wonderful families, and they have a new arrivals program there where they welcome
children who are living with families on bridging visas who are living with this uncertainty now. I was able to visit one of the classes, with little children who had come from all corners of the world with their families, fleeing persecution and looking for a new future in Australia. These children were being given intensive English language classes in a year-long program before being able to move into mainstream schooling. The joy, excitement, undertaking and enthusiasm of those little kids in that class—this was a class of children between about five and seven—were wonderful.

One of their teachers was relaying to me how the uncertainty of what the families live with is so adverse in its effects on those children. They come, they create and they have a family and a community at that school among the other children. There is a real culture of acceptance, inclusivity, respect and joy in that school. So they make their connections and they make their friends and then, at the flick of a pen after a capricious decision, they can be moved at any time and taken out of that school. She has seen that happen from time to time, and it means that the children—little kids like any little kids who have been born in Australia—have those basic needs of community, connection and friendship and then, having come already from a traumatised background, are potentially just ripped out of that school. They are living with that uncertainty in their families, and their mental health, their wellbeing and their ability to grow up and reach their potential are severely curtailed by that. She was passionate in talking to me about the issues that they see every day. Those teachers are working so hard to try to create an environment of nurturing and care for these vulnerable little kids.

I feel so ashamed sometimes when I think that this is the country over which we are presiding at the moment and that this is apparently the sort of future that this government and those who would see a punitive regime in place would be happy to see. So it is imperative that we as Australian people—members of the community—make sure that the government knows that it must change its way of thinking about asylum seekers and refugees, because we are a caring nation and we should care about those who wish to build a new and secure life in Australia and are putting their trust in this nation.

The immigration minister’s powers under section 85 are significant. He may determine the maximum number of visas that people can be granted in a particular subclass in any specified program. While all ministers have discretionary powers within their portfolios to make decisions without the need to put everything before parliament, these particular decisions are so far-reaching and of such consequence to so many powerless people's lives that they require scrutiny. This government has demonstrated an unprecedented capacity for cruelty and retaliation, and for that reason I think it has lost its right to be trusted with this degree of unqualified power. By making the immigration minister accountable to the parliament through this Australian Greens bill, we may ultimately be able to make him accountable to what I consider to be truly Australian virtues—those of basic decency and simple compassion.
really tough thing for them to be making those sorts of comments when you look at why we are even debating this bill today. One thing that is absolutely sure is that no member of this chamber—whether from the Labor Party, the National Party, the Liberal Party or the Greens or either of the two independent crossbenchers—would not say that we want to stop the boats and we want to stop people dying at sea. I do not think anybody in this House or in the green House down below would be able say that those are not goals we are all trying to achieve. I think we all agree to a large extent on what the actual problem is. Nobody, but nobody, wants to see a fellow human being persecuted or suffering in their country. Nobody likes to see women or children being discriminated against and nobody likes to think that they cannot be safe in their home. I do not think there is any question at all that we all agree that there is a problem that requires solving. To suggest that we have playing politics with something as serious as this quite demeans the whole debate.

Just because we have some differing views about how we should address this problem does not mean that we are playing politics. If we all agree that we need to find a solution, it is about time that we put some facts on the table about what has occurred in the past and about the things that have proved to work in the past. I know Senator Hanson-Young has long stood in this place advocating that we should open our borders and let everybody come in. She is entirely entitled to her opinion in that regard, but my view is that the one thing we must do is to stop encouraging people who are making money out of the poor and vulnerable by making them pay money to put them on boats. We have to target our actions and policies towards ensuring people smugglers are the ones who are prevented from continuing this hideous trade of trafficking in people. We went to the election with the very clear intention of reintroducing a multifaceted policy package to prevent more people putting themselves on rickety boats and sailing off into the wide blue ocean only to risk their lives and the lives of their wives and their children. All that really achieved was putting money into smugglers pockets. On the basis of an overwhelming mandate to introduce our package of measures, it seems a little odd that we are debating once again another action from the other side—from the teams that lost the election, that did not win the election. Every time we try to introduce something that we have gone to the Australian people with and they have given us the mandate to implement, it seems a little odd that the other parties will attempt to undertake some action in this chamber to prevent us from implementing the policies that we have been asked by the Australian people to implement.

I wonder where this whole exercise is going to end. Every time the Greens do not like something that a coalition government or minister does, are they going to introduce an instrument into this chamber to prevent us from actually governing this country? There has to come a point where they stop doing it and accept the fact that they lost the election, that the coalition overwhelmingly won the election, that we have the right to govern and that we must be given the opportunity to govern.

This particular bill we are debating today is quite clear about what we were trying to do in last week's temporary protection visas policy that we tried to implement and that was kiboshed in this place. We all have to realise the implications of that when it comes to our ability to do what we said we were going to do and that is stop people getting on rickety boats and coming to Australia. By preventing us reintroducing temporary protection visas last week—which, I might say, would have enabled the visa holders to access 100 per cent of any
relevant benefits they could have in Australia—those opposite have denied them that possibility as well as the capacity to be able to work. They are now trying to prevent the 33,000 people, I believe, who arrived in Australia as irregular maritime arrivals under the Labor government staying in Australia indefinitely.

What we are talking about here is migration—immigration into Australia. There are so many positive stories that we could be telling in this place about migration in Australia over the years. It was only yesterday that we had the pleasure of sitting here and listening to our two new senators, Senator Dastyari and Senator Tillem, telling of their experiences when they came to Australia as migrants a number of years ago. They were fantastic stories, but they still came by sensible and proper channels and means. If you look at the millions of people around the world who are seeking to flee from the countries they were born in, I think you have to realise that, unless Australia has the intention of doubling its population overnight, we have to have a sensible, properly managed, consistent and fair migration policy in place.

I look at the community that I live in and the marvellous migrants who have come to Australia by all sorts of different means and for all sorts of different reasons. They have made a wonderful culture in my community. We have a huge component of Italians, a huge component of Greeks, many Turks, Vietnamese and Indians, and that has turned my local community into a really rich tapestry of all the sorts of things that these cultures are able to bring. So I do not think that anybody can say that we, as a government and as a country over the years, have not been a very proactive and welcoming country for migrants from all over the world.

If we want to have an ongoing and sensible migration platform and program, we have to put some fairness and some equity back into it. Looking over the last six years, 50,000 or so people have arrived in this country by irregular means. Those 50,000 people obviously end up ahead of the people who, having put in their applications, are sitting somewhere else in the world and waiting for them to be processed. They are sitting there waiting while these irregular maritime arrivals are jumping the queue.

I would like to quickly tell a story. Like Senator Wright, we all have stories of people around the world who we have had some involvement with or knowledge of and who have had a pretty tough time, but I can tell an alternative story. There are two young boys whose auntie and cousin live in Adelaide. I have had the pleasure of spending some time with Marbor Tut and his family in Australia. They are wonderful people and they came here by a proper migration channel as refugees from the Sudan. Marbor's mother had a sister, and her sister and her husband both unfortunately contracted AIDS in the Sudan. They had two very young boys. The mother and father have subsequently died and left these two young boys as orphans. Keny and Awakeer Majur are currently in a Sudanese refugee camp waiting for the opportunity to have their applications to come to Australia under a family reunion program processed. Over the last six years, I have tried to help the Tuts get these two young boys to Australia. Every time we went to the immigration department, they were so overwhelmed and so swamped with dealing with the massive number of irregular maritime arrivals they were required to process that there was no time for these two young boys.

Sadly, even today, these two young boys are still stuck in a Sudanese refugee camp. We are working very hard with the minister to see if we can get them to Australia, basically, before they die. The life expectancy of a child in a Sudanese refugee camp is very short. Very few of
them ever leave the refugee camp or survive to a time where they would reach adulthood. I think we can all be terribly sympathetic—I am too; I have heard some terrible stories and the stories that Senator Wright informed this house of a moment ago about the people that she had had the privilege of being involved with. There are some terrible stories; there is no question that there are some terrible stories, but we have to remember that there are terrible stories all over the world, not just of those people arriving by boat.

In the hearings of the expert panel on asylum seekers that the previous government put together, Mr Aristotle, Mr Houston and Mr L'Estrange all made the very clear point that we needed to have a migration policy of no advantage. What we see with this bill is that it really seeks to create advantage. It is really saying that, if you can somehow—no matter how desperate you are to undertake the process—manage to get yourself from Indonesia, Malaysia or wherever you might be coming from, onto a rickety boat somewhere in international waters and rescued by an Australian Navy vessel, then you are going to have a better chance and be given an advantage over and above my two little boys who are sitting in a Sudanese refugee camp.

I think we need to recognise that it is not just the people in this place but also the expert panel that was put together by the previous government who came out and said that we need to be very careful that we do not apply an advantage rule for one lot of people that discriminates against another lot of people. I put that on the record because I think that nobody around here would question the strength and the experience of the three eminent gentlemen who made up that panel or the fact that they come up with that particular decision.

Senator Wright also made the comment that punitive measures cannot work. I suppose the question that Senator Wright probably needs to answer is about punitive measures not working. I do not necessarily agree that they do not. I think the fact that we saw such an extraordinary decrease in the number of boats arriving in Australia immediately following the election of this coalition government probably does suggest that punitive measures do have some meaning—but the punitive measures need to have real actions on the other end of them. We all know that if you think you are going to get away with something you are more inclined to try and do it—that is just human nature. So I think to say that punitive measures do not work is probably something of an oversimplification. I think that they do work.

But in the sense of saying that these punitive measures do not work the only thing that we can really refer back to in arguing this case are the facts of the matter, that the day after the coalition government was elected to this place the boats started to stop coming. By introducing measures like this particular bill to which we are referring today we seek to prevent the minister from having an instrument in his cabinet of things that he is able to use to govern this country. What we would be doing is simply encouraging the problem to continue by taking away another of the measures by which the minister has the capacity to be able to control the problem that he is trying to deal with on behalf of the Australian people. I agree with some of the stuff that Senator Wright said—the tragedy that is occurring out there in the wider world—but I certainly cannot agree that punitive measures do not work, because in the past obviously it has been proven that they do.

Just for the record, it is really worth pointing out that since the abolition of temporary protection visas in August 2008 more than 50,000 people arrived in Australia—some would say by illegal means, but certainly by irregular means and not by the normal migration
channels that we have discussed already. That was more than 800 boats, and the cost to the budget in migration was $11 billion. That is the blow-out to the budget—$11 billion. Imagine what good we could have done in Australia over that period of time if that $11 billion had been able to go into other programs instead of just rescuing people from the sea? I imagine that a large component of that $11 billion was the diversion of our Navy, which should have been out there doing other things rather than running around the oceans and plucking people out of the sea. Basically, the previous government just said to the people smugglers over there, 'Well, come on guys, come on down; we're happy for you to come,' and in the process of doing that wasted $11 billion of Australian taxpayers' hard-earned money.

But definitely more tragic than the $11 billion are the 1,100 who lost their lives during that period. There is no price that you can put on a human life, although some overseas seek to do so. So we have a situation where in a very short period of time we had 50,000 arrivals, $11 billion and 800 boats, and 1,100 people have died in the process. That is a record that no government wants to have, and I can assure you that when this coalition government went to the people of Australia it was for the very reason that we did not want to have a record that said that. We said that we were going to put an integrated package of measures together to allow the minister the ability to do what he needed to do to stop those boats coming and to prevent our coalition government from having the terrible record of excessive cost, chaos and absolute tragedy that the previous government will always have to wear as its legacy for its time in government.

When we came into government we had a problem. Obviously, we had a very big problem. We had a legacy caseload of 32,000 people who had arrived irregularly by boat, and more than 20,000 of those people were out in the community. I might say that of those 50,000 people who arrived in Australia by this irregular means during the term of the previous government, 8,300 of them are children. You really do have to question how we could be doing anything to encourage people who would be prepared to put the lives of 8,300 children at risk by putting them in boats that are totally unseaworthy.

I think that whilst the debate will continue, I think we need to be very clear that this is not a political debate. This is a humanitarian debate, and I think it is time that we all accepted that we have a problem and that we worked together to solve it. These kinds of kneejerk, 'I-know-better-than-you-do' types of things that we are getting from the Greens by changing legislation every time they do not like something I think are an abuse of what the Australian people sought for this place to do. I think it is about time those opposite realised the Australian people elected the coalition to govern this country and it is about time you let us govern the country.

Senator DASTYARI (New South Wales) (11:50): I will just begin by acknowledging the work that Senator Hanson-Young has done in this space, certainly advocating on behalf of those who take such tremendous risks to come to Australia. Senator, while I have not always agreed with your position, I think your passion on the issue is certainly inspiring.

I note the speech that was just delivered by Senator Ruston, and I note that it referred to some of the policies of the coalition government. I cannot help but accept that the coalition, as far as I see it, long ago dispensed with any decency on this subject. They have treated us all with contempt on this issue—contempt for public scrutiny, contempt for journalists and contempt for members of the public, and I believe contempt for those people from afar who
have sought refuge, empathy and support among the people of this great country. And while I
do affirm my respect and appreciation for Senator Hanson-Young and her work in this area,
the Labor Party and I will not be supporting this Migration Amendment (Visa Maximum
Numbers Determinations) Bill 2013 for a few reasons that I will try to summarise quickly.

As colleagues on both sides of the chamber have reminded us this morning, it was the
Labor Party that introduced caps to visa programs in 1988. As my colleagues in this chamber
have stated, discretionary caps allow the government of the day to determine both the quality
and quantity of our migration. I think that is absolutely critical. As I said in a speech to this
place yesterday, I am a very big advocate of the broad idea of increasing our overall migration
levels. I think we should be looking at increasing the number of migrants we bring into this
country. I am also quite supportive of the idea of increasing the number of refugees that we
accept as a nation, but I believe that it has to be done as part of a coherent, whole-of-
government approach and that the federal government—

The PRESIDENT: Order! Time has expired for this debate.

PETITIONS

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

Environmental Conservation

To the Honourable President and members of the Senate in Parliament assembled:
The petition of the undersigned shows:
Prime Minister Abbott wants to weaken national environment laws by handing federal environment
responsibilities and creating a so-called "one-stop shop".
Australians do not want Prime Minister Abbott to rip up federal protection, leaving nothing to stop
state premiers giving big mining companies and developers open slather across their states.
A patchwork of varying environmental standards across the country will be damaging for business,
the community and the environment.
We want Australia's unique and internationally-renowned environment to have federal protection.
From the Great Barrier Reef to the Kimberley, from the koala to the Leadbeater's possum, our wild
places and precious species are too precious to lose.
Your petitioners ask that the Senate:
Consider future generations when making decisions on environment protections; oppose any moves
in the Parliament to weaken our national environment laws; and oppose any moves in the Parliament
hand off federal environmental responsibilities to state governments.
by Senator Waters (from 6,101 citizens).
Petition received.

Great White Shark

Senator SIEWERT (Western Australia—Australian Greens Whip) (11:53): by leave—I present a document, with 16,393 signatures, calling for the government to protect the great white shark and opposing culling of the great white shark.

Foetal Alcohol Spectrum Disorder

Senator BOYCE (Queensland) (11:54): by leave—I present a document, with three pages of signatures, from the Russell Family Fetal Alcohol Disorders Association asking the Senate
to treat foetal alcohol spectrum disorder as a disability. It is currently not recognised as a
disability by the federal government and this lack of acknowledgement causes serious
problems for families who have members with foetal alcohol spectrum disorder in terms of
using various community, local, state and federal services, including the criminal justice
system, health and disability services and Centrelink.

NOTICES

Presentation

Senator Ludlam to move:

That the following bill be introduced: A Bill for an Act to amend the *Telecommunications

Senator Hanson-Young to move:

That the Senate condemns the Indian Supreme Court’s decision to outlaw homosexual acts, which
could see people jailed for up to 10 years because of their sexuality.

Withdrawal

Senator MOORE (Queensland) (11:56): On behalf of Senator Lundy, I withdraw general
business notice of motion No. 80 standing her name.

COMMITTEES

Selection of Bills Committee

Report

Senator KROGER (Victoria—Chief Government Whip) (11:57): I present the 11th
report of 2013 of the Selection of Bills Committee.

Ordered that the report be adopted.

Senator KROGER: I seek leave to have the report incorporated in *Hansard*.

Leave granted.

The report read as follows—

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 11 OF 2013**

1. The committee met in private session on Wednesday, 11 December 2013 at 7.36 pm.
2. The committee resolved to recommend—That—
   (a) the Environment Legislation Amendment Bill 2013 be referred immediately to the Environment
   and Communications Legislation Committee for inquiry and report by 12 February 2014;

   (b) the Criminal Code Amendment (Harming Australians) Bill 2013 be referred immediately to the
   Legal and Constitutional Affairs Legislation Committee for inquiry and report by 4 March 2014;

   (c) contingent upon its introduction in the Senate, the Criminal Code Amendment (Misrepresentation
   of Age to a Minor) Bill 2013 be referred immediately to the Legal and Constitutional Affairs
   Legislation Committee for inquiry and report by 19 February 2014;

   (d) contingent upon its introduction in the Senate, the Defence Legislation Amendment (Woomera
   Prohibited Area) Bill 2013 be referred immediately to the Foreign Affairs, Defence and Trade
   Legislation Committee for inquiry and report by 11 February 2014;
(e) contingent upon its introduction in the House of Representatives, the provisions of the Migration Amendment Bill 2013 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 12 February 2014; and

(f) the Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 26 March 2014.

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

- Fair Trade (Workers' Rights) Bill 2013
- Migration Amendment (Visa Maximum Numbers Determinations) Bill 2013
- Private Health Insurance Legislation Amendment Bill 2013
- Tax Bonus for Working Australians Repeal Bill 2013
- Therapeutic Goods Amendment (2013 Measures No. 1) Bill 2013
- Veterans' Affairs Legislation Amendment (Miscellaneous Measures) Bill 2013.

The committee recommends accordingly.

4. The committee deferred consideration of the following bills to its next meeting:

- Landholders' Right to Refuse (Gas and Coal) Bill 2013
- National Integrity Commission Bill 2013

(Helen Kroger)
Chair
11 December 2013

BUSINESS

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:57): I move—

That—

(a) the following government business orders of the day be considered from 12.45 pm today:

- No. 14 Australian Civilian Corps Amendment Bill 2013.
- No. 15 Import Processing Charges Amendment Bill 2013.
- No. 16 Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013 Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013
- No. 19 Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013.
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

Rearrangement

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (11:58): I move:

That the order of general business for consideration today be as follows:
(a) general business notice of motion no. 88 standing in the name of Senator Moore relating to pre-election commitments; and
(b) orders of the day relating to government documents.

Question agreed to.

COMMITTEES

National Disability Insurance Scheme

Meeting

Senator KROGER (Victoria—Chief Government Whip) (11:58): by leave—On behalf of the Joint Standing Committee on the National Disability Insurance Scheme, I move:

That the Joint Standing Committee on the National Disability Insurance Scheme be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today, from 3.30 pm.

Question agreed to.

BUSINESS

Leave of Absence

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (11:58): by leave—I move:

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

Question agreed to.

NOTICES

Postponement

The following item of business was postponed:

Business of the Senate notice of motion no. 7 standing in the name of Senator Madigan for today, proposing a reference to the Legal and Constitutional Affairs References Committee, postponed till 11 February 2014.

COMMITTEES

Education and Employment References Committee

Reference

Senator HANSON-YOUNG (South Australia) (12:00): I move:

That the following matter be referred to the Education and Employment References Committee for inquiry and report by 17 June 2014:

The delivery of quality and affordable early childhood education and care services, including:
(a) outcomes for children in early childhood education and care services, including;
   (i) workforce factors such as stability, qualifications and wage rates,
   (ii) quality regulation (including staff-to-child ratios),
   (iii) participation and access to services, and
   (iv) environments for learning;
(b) a progress report into the implementation of the National Quality Framework (NQF), including
   targets met and those working toward;
(c) parents' experiences of the outcomes of the NQF;
(d) impacts of the announced government amendments to the NQF, and the outcomes for children and
   early childhood education and care services; and
(e) any other related matters.

Question agreed to.

Rural and Regional Affairs and Transport References Committee
Reference

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:00): At
the request of Senator Sterle, I move:

That the following matter be referred to the Rural and Regional Affairs and Transport References
Committee for inquiry and report by 25 June 2014:
The implications of the restriction on the use of Fenthion on Australia's horticultural industry,
including:
(a) the roles and responsibilities of relevant departments and agencies of Commonwealth, state and
territory governments in relation to the regulation of pesticides and veterinary chemicals;
(b) the short- and long-term impact of the decision on stakeholders;
(c) the effectiveness and sustainability of chemicals other than Fenthion to manage fruit fly;
(d) transition arrangements following the restriction on the use of Fenthion, including Area Wide
   Management; and
(e) any related matters.

Question agreed to.

Reference

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (12:01): I move:

That the following matter be referred to the Rural and Regional Affairs and Transport References
Committee for inquiry and report by 28 March 2014:
The industry structures and systems governing the collection and disbursement of marketing and
research and development levies pertaining to the sale of grass-fed cattle set out in subsections 6(1)(a),
6(1)(b), 6(2)(a) and 6(2)(b) of Schedule 3 (Cattle transactions) of the Primary Industries (Excise) Levies
Act 1999, including:
(a) the basis on which levies are collected and used;
(b) the opportunities levy payers have to influence the quantum and investment of the levies;
(c) industry governance arrangements, consultation and reporting frameworks; and
(d) recommendations to maximise the ability of grass-fed cattle producers to respond to challenges and capture opportunities in marketing and research and development.

Question agreed to.

Reference

Senator XENOPHON (South Australia) (12:01): I move:

That the following matter be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 26 March 2014:

The future of the beekeeping and pollination service industries in Australia, with particular reference to:

(a) the importance of these industries from a food security, environmental and financial point of view;
(b) current challenges facing the beekeeping industry domestically and internationally, and its future sustainability;
(c) the adequacy of the current biosecurity arrangements for imported and exported honey, apiary products, package bees and queen bees;
(d) Australia's food labelling requirements, and how these affect the beekeeping industry;
(e) the recommendations from the House Standing Committee on Primary Industries and Resources 2008 report *More than Honey; the future of the Australian honey bee and pollination industries*, and the Rural Affairs and Transport References Committee 2011 report *Science underpinning the inability to eradicate the Asian honey bee*; and
(f) any related matters.

Question agreed to.

Economics References Committee

Reference

Senator McLUCAS (Queensland) (12:02): I note that there was an error on the red. The *Notice Paper* is accurate. I move:

That the following matter be referred to the Economics References Committee for inquiry and report by 16 July 2014:

Affordable housing, including the following matters;

(a) the role of all levels of government in facilitating affordable home ownership and affordable private rental, including:
   (i) the effect of policies designed to encourage home ownership and residential property investment,
   (ii) the taxes and levies imposed by state and territory governments,
   (iii) the effect of policies designed to increase housing supply,
   (iv) the operation, effect and future of the National Rental Affordability Scheme,
   (v) the regulatory structures governing the roles of financial institutions and superannuation funds in the home lending and property sectors, and
   (vi) the operation and effectiveness of rent and housing assistance programs;
(b) the impacts, including social implications, of public and social housing policies on housing affordability and the role of all levels of government in providing public and social housing;
(c) the impact of Commonwealth, state and territory government policies and programs on homelessness;
(d) the contribution of home ownership to retirement incomes;
(e) the implications for other related changes to Commonwealth government policies and programs, including taxation policy, aged care, disability services, Indigenous affairs and for state and territory governments;

(f) the need to develop improved overview and accountability mechanisms in relation to Commonwealth grants and funding to the states and territories in order to ensure that public funding delivers outcomes consistent with Commonwealth objectives;

(g) planning and policies that will ensure that women, particularly vulnerable women, have access to secure, appropriate, affordable and adaptable accommodation;

(h) planning and policies that will ensure emergency and essential service workers have access to affordable housing close to where they work;

(i) planning and policies that will ensure the availability of an appropriately skilled workforce; and

(j) any other matters the committee considers relevant.

Senator LUDLAM (Western Australia) (12:02): by leave—I move the amendment as circulated standing in my name:

Omit all words after “That”, substitute “the following matter be referred to the Economics References Committee for inquiry and report by 26 June 2014:

Affordable housing, including the following matters:

(a) the role of all levels of government in facilitating affordable home ownership and affordable private rental, including:

   (i) the effect of policies designed to encourage home ownership and residential property investment,

   (ii) the taxes and levies imposed by the Commonwealth, state, territory and local governments,

   (iii) the effect of policies designed to increase housing supply,

   (iv) the operation, effect and future of the National Rental Affordability Scheme,

   (v) the regulatory structures governing the roles of financial institutions and superannuation funds in the home lending and property sectors, and

   (vi) the operation and effectiveness of rent and housing assistance programs;

(b) the impacts, including social implications, of public and social housing policies on housing affordability and the role of all levels of government in providing public and social housing;

(c) the impact of Commonwealth, state and territory government policies and programs on homelessness;

(d) the contribution of home ownership to retirement incomes;

(e) the implications for other related changes to Commonwealth government policies and programs, including taxation policy, aged care, disability services, Indigenous affairs and for state and territory governments;

(f) the need to develop improved overview and accountability mechanisms in relation to Commonwealth grants and funding to the states and territories in order to ensure that public funding delivers outcomes consistent with Commonwealth objectives;

(g) planning and policies that will ensure that women, particularly vulnerable women, have access to secure, appropriate, affordable and adaptable accommodation;

(h) planning and policies that will ensure emergency and essential service workers have access to affordable housing close to where they work;

(i) planning and policies that will ensure the availability of an appropriately skilled workforce;
(j) the role of innovation in building materials and construction, including prefabricated and sustainable materials;
(k) the impacts of improving sustainability (including energy efficiency) of new and existing housing stock on improving housing affordability;
(l) the role of innovative and responsible funding mechanisms used in other countries, including the United Kingdom, United States of America, France, Canada, Austria and the Netherlands, that provide a stable and cost effective way of funding affordable rental and social housing, such as affordable housing supply bonds and an affordable housing finance corporation;
(m) the role and contribution of the community housing sector in delivering social and affordable renting housing;
(n) the need to increase the supply of accessible and adaptable housing, and housing that is culturally appropriate;
(o) the impact of not having a long-term, national affordable housing plan; and
(p) any other matters the committee considers relevant.

Question agreed to.

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

Question agreed to.

BILLS

Marriage Equality Amendment Bill 2013

First Reading

Senator HANSON-YOUNG (South Australia) (12:03): I move:

That the following bill be introduced: A Bill for an Act to amend the Marriage Act 1961 to create the opportunity for marriage equality for people regardless of their sex, sexual orientation or gender identity, 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) (12:04): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Marriage Equality Amendment Bill 2013 seeks to amend the Marriage Act 1961 to provide equality for same-sex couples. The Bill removes the existing discrimination in the federal Marriage Act that confines marriage to between a man and a woman. It redefines marriage as being between two people regardless of their sex, sexual orientation or gender identity.
The Australian Greens share the view of the majority of Australians that the time for marriage equality has come. The call for marriage equality has huge community momentum and it is growing day by day. The most recent national survey found that 62% of Australians believe same-sex couples should be able to marry, and 75% of Australians believe federal reform is inevitable.

This is the fourth time I have introduced a bill for marriage equality. The Senate conducted in-depth inquires into two of my bills which highlighted the significant community interest in marriage equality. In 2009, the inquiry into my bill received more than 25,000 submissions. The senate inquiry into my second bill in 2012 set a new record of 75,000 submissions, the majority of which were supportive of the bill. It is clear there is enormous community passion for this.

The inquiry into my bill recommended that, with a few small amendments, the bill should pass.

Sadly, in 2012 we saw votes in both the House of Representatives and in the Senate on government marriage equality bills that were carefully orchestrated to fail. The Leader of the Opposition chose to buck the traditional approach of his party by refusing Coalition members a conscience vote. Meanwhile the then Prime Minister failed to have her members support the ALP’s own policy of supporting marriage equality by insisting on a conscience vote.

In Australia, the states and territories are continuing to show the way, with Greens and non-Greens bills for state marriage equality across the nation. States such as Tasmania, South Australia and New South Wales have shown cross-party cooperation and are closer to achieving marriage equality than ever before.

Since I introduced my first marriage equality bill, many state Parliaments have acted to deliver human rights for Gay Lesbian Bisexual Transgender and Intersex Australians. While no substitute for marriage, Tasmania has legislated for civil unions and New South Wales has legislated for same-sex parenting rights.

These are important and historic reforms and the efforts of MPs and advocates in our states and territories are to be admired and acknowledged. But it is federal marriage equality that the community wants most of all.

That is why today I stand to introduce this Bill, to assure gay and lesbian Australians that there are people in this place who believe all relationships should be recognised as equal under the law.

Marriage provides couples, families and the general community with a universal language for love, commitment and relationships. It is also one of the universal legal and social institutions through which we find connection and belonging, not only with our partner, but with our families and communities.

It is time for Australia to join comparable countries like the United Kingdom, France and our neighbours, New Zealand, and legislate for marriage equality.

I know that there are good people in this place that support equality for all Australians, and that is why today I am calling on those members to co-sponsor my Bill. It is now time for parliamentarians from across political divides to work together and deliver on federal marriage equality. It is only through the combined efforts that we can really achieve equality for all.

Senator HANSON-YOUNG: I seek leave to make a very short statement.

The PRESIDENT: Leave is granted for one minute, Senator Hanson-Young.

Senator HANSON-YOUNG: Thank you, Mr President. At the exact same time that I have introduced this bill, we have just heard reports that the ACT marriage laws have been overturned by the High Court. This means that this bill is more important than ever for people living not just in the ACT in Canberra but throughout our entire nation who want to see progression towards marriage equality. It is an important day but obviously a very sad day for people who have only just had their marriages celebrated over the weekend and the days
following. There will be a lot of broken hearts here in Canberra this afternoon. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

First Reading

Senator FARRELL (South Australia) (12:06): I move:

That the following bill be introduced: A Bill for an Act to amend legislation relating to defence, and for related purposes.

Question agreed to.

Senator FARRELL: 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 FARRELL (South Australia) (12:07): 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 FARRELL: I table an explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

DEFENCE LEGISLATION AMENDMENT (WOOMERA PROHIBITED AREA) BILL 2013

In this speech, I will draw heavily on the excellent work done by the former Defence Minister Stephen Smith and the Department of Defence as they were responsible for drafting this legislation, explanatory memorandum in the first instance and they have undertaken extensive consultation over a long period in order to prepare the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013.

The Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013 gives effect to the recommendations of the Hawke review of the Woomera Prohibited Area.

This bill was first put forward by the then Minister for Defence Stephen Smith MP in May this year. It passed the House of Representatives but lapsed when Parliament was prorogued.

I am now introducing the bill as a Private Senator's Bill, such is the significance of this legislation to my home state of South Australia in particular and more broadly to Australia.

This bill is of vital importance because it creates a regulatory framework for access to the Woomera Prohibited Area, including the development of significant mineral resources.

The South Australian Government has assessed that over the next decade about $35 billion worth of iron ore, gold and other minerals resources are potentially exploitable from within the Woomera Prohibited Area.
After years of consultation and reviews on ways to solve the dilemma of respecting the vital role of this key weapons testing area while allowing mining in this region, it's time to move ahead and pass this bill.

The previous Labor Government identified the importance of establishing a framework for a coexistence scheme to allow access to the Woomera Prohibited Area (WPA) to non-Defence users on a conditional basis. These conditions are intended to protect the safety of all users in the WPA and ensure appropriate national security protections for an area used to test Defence capability.

The Woomera Prohibited Area covers 127,000 square kilometres in South Australia, approximately 450 kilometres north-north-west of Adelaide. It is Australia's most important military testing range and is used for the testing of war materiel under the control of the Royal Australian Air Force. It is the largest land range in the world, with a centre line of over 600 kilometres, comparable to the size of England.

The Woomera Prohibited Area overlaps a major part of South Australia's potential for significant minerals and energy resources, including 30 per cent of the Gawler Craton, one of the world's major mineral domains, and the Arckaringa, Officer and Eromanga basins for hydrocarbons and coal. Olympic Dam is adjacent to the Woomera Prohibited Area and is part of the same geological formations.

In May 2010 the then Minister for Defence, Senator John Faulkner, announced a review to make recommendations about the best use of the Woomera Prohibited Area in the national interest. This was undertaken by Dr Allan Hawke, a former secretary of the Department of Defence, and involved consultation with a wide range of affected stakeholders. In November 2010, the review's interim report was released for public comment, and government was provided with the final report in February 2011. In May 2011, with the then Minister for Resources and Energy, Martin Ferguson, and with the support of the South Australian government, through its then Premier, Mr Mike Rann, and the South Australian Minister for Mineral Resources and Development, Mr Tom Koutsantonis, the final report was released and the government agreed to implement the recommendations.

The Woomera Prohibited Area Coordination Office was established by the Department of Defence and a moratorium was issued on all but the most advanced applications for access to the Woomera Prohibited Area, to enable the development of protocols necessary to implement the review.

The then Ministers Smith and Ferguson released a draft deed of access for minerals exploration for public consultation in April 2012. The deed proposed an access regime for exploration companies during the transition phase to full implementation of the review's recommendations. Public consultation was undertaken on the draft deed by the Woomera Prohibited Area Coordination Office in Adelaide in May 2012 and a workshop followed in Canberra in June 2012.

In October 2012, the then Ministers Smith and Ferguson announced that the Woomera Prohibited Area was open to resources development under the transitional deed of access regime. They also announced the creation of the Woomera Prohibited Area Advisory Board and the public was consulted on the draft legislation to implement the recommendations of the Hawke review.

The Hawke review considered how to use the Woomera Prohibited Area in a way that ensured that both its full national security and economic potential were realised. The review proposed a system to maximise the co-existence between defence and non-defence users of the area.

The review recommended that Defence remain the primary user of the area, but acknowledged that exploitation of the Woomera Prohibited Area's considerable minerals resources would bring significant economic benefit to South Australia in particular and Australia in general.

The review proposed that the Woomera Prohibited Area be opened up for resources exploration to the maximum extent possible, but within the confines of its primary use for defence purposes. This would allow Australians to take advantage of the resources potential of the Woomera Prohibited Area.
while ensuring its future viability as the most important test and evaluation range that supports the
Australian Defence Force.

The bill establishes a framework that provides all non-defence users within the Woomera Prohibited
Area a greater level of certainty over defence activity in the area and greater certainty over access
arrangements.

It allows users to make commercial decisions with some assurance as to when they will be required
to leave the area because of defence activity.

The framework maintains the primacy of the Woomera Prohibited Area as a national security and
defence asset and sets up a co-existence scheme that allows access by non-defence users subject to
conditions that protect the safety of all users in the Woomera Prohibited Area and ensures the
appropriate national security protections for an area used to test defence capability.

As recommended by the review, Indigenous landholders, pastoralists with an already established
presence and existing mining operations in the Woomera Prohibited Area will continue to access and
operate under their current arrangements.

There has been much departmental and public consultation in relation to this legislation and there is
a genuine desire to ensure the rights of pre-existing users are not diminished in any way.

The co-existence scheme established by the bill will apply to new users of the Woomera Prohibited
Area. Existing users of the area have the option of voluntarily joining the co-existence scheme
established by these legislative measures if they so choose.

While the bill provides the overarching framework for the legislative scheme, the detail of the
proposed regime is to be included in the Woomera Prohibited Area Rules, to be agreed by the Minister
for Defence and the Minister for Industry.

The rules will provide for: various types of permission to be at a place within the Woomera
Prohibited Area, including standing permission, written or oral permission and by way of a permit.

- the process by which permits may be subject to suspension or cancellation including the ability for a
  permit holder to have the minister review a decision in relation to a cancellation of a permit.
- the Secretary of the Department of Defence to appoint people to be authorised officers to give
  infringement notices.
- demerit points which may be incurred when a person pays the penalty contained in an infringement
  notice or is convicted or found guilty of an offence.
- a cap on compensation payable to a person for loss or damage suffered in the Woomera Prohibited
  Area, not resulting in death or personal injury, of $2 million.

The Woomera Prohibited Area contains recognised traditional owners and significant Indigenous
sites. Under the bill, permit holders who gain access to the Woomera Prohibited Area will be required
to protect these sites and comply with all relevant native title and Aboriginal heritage laws. Indigenous
groups with current statutory and access rights expressly retain these rights. They will not need to apply
for permission under this legislation, which does not disturb existing rights.

The bill will insert a new part VIB into the Defence Act 1903, and amends the definition of 'defence
premises' in part VIA of the Defence Act to include the Woomera Prohibited Area.

Consequently, this will allow appropriately trained and qualified defence security officials to apply
the security powers provided for by part VIA to ensure the safety of all users and the security of the
area.
In broad terms, the bill:

- Authorises the Minister for Defence, with the agreement of the Minister for Industry, to make the Woomera Prohibited Area Rules prescribe certain matters, including defining the Woomera Prohibited Area, and the zones to be demarcated within that area.
- Creates a permit system for access and use by future non-defence users of the area.
- Introduces offences and penalties for entering the Woomera Prohibited Area without permission and for failing to comply with a condition of a permit. An infringement notice scheme and demerit point system will apply to the offence for failing to comply with a permit condition. The detail of these schemes will be included in the rules.
- Provides for compensation for acquisition of property from a person otherwise than on just terms, although the rules may limit the amounts of compensation payable by the Commonwealth.

**Consultation**

Extensive consultation was undertaken during the review process and the legislation implements the recommendations put forward in the review. Submissions were received from interested stakeholders, including:

- the resources industry;
- Indigenous groups;
- pastoralists; and
- environmental groups.

Consultation on the bill included:

- The release of an information paper on the proposed legislative framework for the Woomera Prohibited Area. The paper provided a general overview of the proposed policy framework proposed for implementation in the legislative package.
- On 8 May 2013, an exposure draft of the bill was released for stakeholder feedback.
- The South Australian Government hosted a consultation workshop in Adelaide on 10 May 2013, chaired by the Woomera Prohibited Area Coordination Office, to discuss the bill.
- On 24 May 2013, the South Australian Government hosted a discussion between Defence officials and traditional owners of the Maralinga Tjarutja and Anangu Pitjantjatjara Yankunytjatjara lands, about the legislation.

Stakeholders provided feedback through the workshop and by written submission. Feedback was considered and where appropriate the exposure bill was amended to take concerns into account. Amendments which occurred as a result of stakeholder feedback included express and specific recognition of the existing authorities for existing users, including Indigenous groups.

After discussions Department of Defence officials held with the traditional owners of parts of the Woomera Prohibited Area, the previous government agreed, as a matter of policy, with their request that no 'wet canteens' under the current Defence Regulations for the Woomera Prohibited Area will be created in the lands held by the Maralinga Tjarutja or Anangu Pitjantjatjara Yankunytjatjara traditional owners.

**Woomera Prohibited Area Advisory Board**

The Woomera Prohibited Area Advisory Board oversees the Woomera Prohibited Area access system and foster relationships among the Woomera Prohibited Area stakeholder groups.

The Woomera Prohibited Area Advisory Board has an independent chair, Mr Stephen Loosley, and an independent deputy chair, the Hon. Paul Holloway. Mr Stephen Loosley is Chairman of the
Australian Strategic Policy Institute and Mr Holloway is a previous Resources Minister of South Australia.

Other board members are senior representatives from the Commonwealth departments of Defence, Industry, and Finance, and the South Australian government.

The board was established to ensure:

- that the balance between economic interests and national security is maintained;
- the effectiveness of the access system in safeguarding Defence activities; and
- Indigenous and environmental interests are properly accounted for.

The Woomera Prohibited Area Advisory Board meets on a regular basis to undertake these functions.

**Woomera Prohibited Area Rules**

I note that former Minister Stephen Smith released the rules for public discussion and I anticipate the outcome will be incorporated into the rules which are enacted.

The rules will provide for:

- various types of permission to be at a place within the Woomera Prohibited Area, including standing permission, written or oral permission and by way of a permit.
- the process by which permits may be subject to suspension or cancellation including the ability for a permit holder to have the minister review a decision in relation to a cancellation of a permit.
- the Secretary of the Department of Defence to appoint people to be authorised officers to give infringement notices.
- demerit points which may be incurred when a person pays the penalty contained in an infringement notice or is convicted or found guilty of an offence.
- a cap on compensation payable to a person for loss or damage suffered in the Woomera Prohibited Area, not resulting in death or personal injury, of $2 million.

**Conclusion**

This important legislation:

- establishes a framework that provides non-Defence users within the Woomera Prohibited Area, in particular the resources industry, with a level of certainty over Defence activity in the area;
- allows users to make commercial decisions with some assurance as to when they will be requested to leave the area because of Defence activity; and
- protects the safety of all users in the Woomera Prohibited Area and to ensure the appropriate national security protections for an area used to test defence capability.

I commend the bill to the Senate.

**Senator FARRELL:** I seek leave to continue my remarks later.

Leave granted.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:07): I seek leave to make a short statement.

**The PRESIDENT:** Leave is granted for one minute.

**Senator FIFIELD:** The government supports the intent to amend defence legislation for Woomera but is concerned about some aspects of this bill in its current form. In particular, the absence of a regulatory impact statement concerns the government. Unlike the former government, we have not waived this requirement. The government is in the process of
preparing an amended version of the legislation for the autumn 2014 sitting. The Department of Defence has continued to undertake extensive consultation, including last week’s Woomera advisory board meetings at Woomera. The amended version will include a number of points of particular concern to the South Australian and Northern Territory governments, including a clarification of existing users, including pastoralists, railways and local Indigenous groups. Noting the opposition of those opposite to the extension of hours and given the importance of other bills currently before this place, the government would suggest that introduction of this legislation be considered in the autumn sitting.

Debate adjourned.

Criminal Code Amendment (Misrepresentation of Age to a Minor) Bill 2013

First Reading

Senator XENOPHON (South Australia) (12:09): I move:
That the following bill be introduced: A Bill for an Act to amend the Criminal Code Act 1995, and for related purposes.

Question agreed to.

Senator XENOPHON: I present the bill and move:
That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator XENOPHON (South Australia) (12:09): 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 XENOPHON: I table an explanatory memorandum and I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

CRIMINAL CODE AMENDMENT (MISREPRESENTATION OF AGE TO A MINOR) BILL 2013

I wish there wasn't a reason for this bill to exist.

But, tragically, there is. Her name is Carly.

When Carly was fourteen, she started chatting online to a 20 year old man named Brandon Kane. He was her ideal boyfriend, and she fell in love with him as their online relationship grew closer.

But what Carly didn't know, what she couldn't have known, was that 'Brandon' was actually a 47 year old predator, Gary Francis Newman, who had over 200 fake identities.

When Carly turned 15, she invited Brandon to her birthday party. He told her he would be overseas and that he couldn't make it, so his adopted father Shane would go in his place. Carly had already been chatting to Shane online, and she convinced her mother that it would be okay for him to come along to her party.
Newman, in his role as Shane, turned up. Carly's mother, horrified that her daughter had become close to a stranger so much older than she was, warned him to stay away from her daughter.

But Newman convinced Carly she would get to meet her beloved Brandon in person. He eventually lured her into a meeting, on 19 February 2007 at Horseshoe Bay in South Australia. There, he brutally assaulted her and left her to die.

It took police eleven days to track Newman down. When they found him, he was logged on to his computer as Brandon Kane, chatting to a fourteen year old girl in Western Australia. Police also found a stash of child pornography on his computer, and discovered he had already pursued many other young girls overseas.

Newman was found guilty of Carly's murder, and is now serving a life sentence, with 29 years non-parole.

The aim of this bill is to make it an offence for a person over 18 years of age to lie about their age in online communications to a person under 16 for the purposes of facilitating a physical meeting.

This bill also makes it an offence for an adult to misrepresent their age in online communications with a minor with the intent of committing another offence.

These two items close an important loophole in the law. There is no reason for an adult to knowingly misrepresent their age to someone they believe is under eighteen, particularly if they believe doing so will make it easier to meet or commit another offence.

The bill also contains specific provisions to clarify how this offence can be prosecuted and defended.

I previously attempted to address this serious issue in 2010 and again in 2013 with the earlier versions of this bill. I acknowledge the concerns raised in relation to those bills, and I have modified this version to ensure there are no unintended consequences of enforcing this law. Instead, this bill creates offences specifically aimed at the circumstances – a person lying to a minor about their age to facilitate a meeting or to make themselves seem 'more approachable' – that need to be addressed. This bill, in line with recommendations made by the Attorney-General's Department during a committee inquiry into the earlier version of the bill, uses the age of 16 years to define a minor as it is consistent with the age of sexual consent in the majority of Australian jurisdictions.

The internet is impossible to pin down, constantly evolving and growing. The pace of technological growth means children are almost always much more comfortable with online communication than their parents: what we still see as new and different is as essential to them as breathing.

New forms of communication mean we need new laws to protect our children. In cyberspace, we can't stand by their side as they explore the world. We can't always set rules and curfews, because our kids can be sitting safe in their rooms even while they're in danger.

This bill is an attempt to address some of the techniques used by online predators, so that we can put an additional safeguard in place for our children.

Sonya Ryan, Carly's mother, has been pushing for these changes in the law since her daughter's death. Sonya, who was nominated as South Australia's Australian of the Year this year, has dedicated her life to raising awareness of online dangers among young people.

If her actions stop just one young person from becoming a victim, then it's worth it. And that is something we should take to heart when considering this bill.

**Senator XENOPHON:** I seek leave to continue my remarks later.

Leave granted; debate adjourned.
MOTIONS

Mobile Home Parks

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:10): I move:

That the Senate—

(a) notes that:

(i) the Australian Taxation Office (ATO) has issued a new Draft GST Ruling, GSTR 2013/02, in which it has drastically altered its view on the goods and services tax (GST) treatment of supplies made by operators of a mobile home parks,

(ii) once the draft ruling is finalised, home park operators will no longer be able to treat their lease, or licence of the site, to a resident as a supply of commercial residential premises and as a result, operators will be liable for GST on the full value of the supply rather than having access to the 50 per cent discount that is currently available for supplies of long-term accommodation, and

(iii) the likelihood that these charges will be passed on to consumers, many of whom are low income earners and pensioners, and That the increase in their fee may constitute 10 per cent or more of their meagre disposable income; and

(b) urges the ATO to maintain the current GST arrangements on mobile home parks, in order to ensure that low income earners are not disproportionately impacted.

Question agreed to.

DOCUMENTS

WestConnex Motorway Project

Order for the Production of Documents

Senator RHIANNON (New South Wales) (12:10): I move:

That there be laid on the table, by 2 January 2014, by Infrastructure Australia or the Infrastructure Coordinator, all documents in relation to the WestConnex motorway project in New South Wales provided to Infrastructure Australia by the New South Wales Government, in particular, but not restricted to, the full business case.

Question agreed to.

MOTIONS

Closing the Gap

Senator O’NEILL (New South Wales) (12:11): I, and also on behalf of Senators Lines, McLucas, Pratt, Peris and Siewert, move:

That the Senate—

(a) notes the national framework agreed to by the Council of Australian Governments (COAG) in 2008 to tackle Indigenous disadvantage and the six priority areas for change identified by COAG;

(b) further notes that there have been five annual reports by the Prime Minister to the Australian Parliament on progress in meeting these Closing the Gap targets;

(c) is of the view that the presentation of these annual reports should be marked by a special parliamentary procedure in recognition of the significance of these initiatives to all Australians;
(d) therefore proposes to the House of Representatives that it consider marking the presentation of the Prime Minister's annual report on Closing the Gap by:

(i) hosting a meeting of the House to which senators are invited in a similar manner as senators are invited to attend addresses by foreign Heads of State, and

(ii) inviting senior Indigenous leaders to be present when the Prime Minister's annual report is presented; and

(e) resolves that, on its presentation to the Senate, the Prime Minister's annual report on Closing the Gap and accompanying ministerial statement be listed for consideration as a government business order of the day, and that the Government undertake to provide for at least 2 hours consideration of the statement during government business time.


The PRESIDENT: Leave is granted for one minute.

Senator SCULLION: The government will not be supporting this motion. I stress that we remain firmly committed to the Closing the Gap targets and we want to be judged on results. We want kids going to school, we want adults going to work and we want the law of the land applying in Aboriginal and Torres Strait Islander communities. We do not take any issue with the sentiments behind this motion. However, the correct Senate procedure would be to refer such matters to the Procedure Committee.

The delivery of the Closing the gap report, along with Aboriginal and Torres Strait Islander involvement in the opening of parliament, are significant parliamentary events. The government will continue the same practice for Closing the gap reports that has been followed over the last five years, and we will continue to welcome parliamentary debate.

Aboriginal and Torres Strait Islander leaders around the country acknowledge the significance of this event and routinely attend, and they will be welcomed to continue to do so. Most of the senators in this place often attend the speeches of both the Prime Minister and the Leader of the Opposition. The government considers Closing the Gap a bipartisan task and calls on all members of parliament to focus on outcomes and making real changes to the lives of Aboriginal and Torres Strait Islander Australians.

Question agreed to.

Senator O'NEILL (New South Wales) (12:13): Pursuant to standing order 154, I move:

That the resolution be communicated by message to the House of Representatives for concurrence.

Question agreed to.

Pharmaceutical Benefits Scheme

Senator DI NATALE (Victoria) (12:13): I move:

That the Senate—

(a) notes the open letter to the Government, dated 9 December 2013, signed by 44 prominent academics and public health experts, which expresses alarm around the effects these potential changes could have on the Pharmaceutical Benefits Scheme and the integrity of Australian public health initiatives;

(b) reiterates its call for the Government to make public the details of the final agreed text and Australia's position regarding these controversial intellectual property provisions; and
(c) reaffirms its opposition to any measures, such as Investor-State Dispute provisions or strengthening of the patent system, whether in this treaty or otherwise, which limit Australia's ability to implement domestic public health policy and safeguard the efficient operation of our system of medicines.

Question agreed to.

COMMITTEES

Select Committee on School Funding

Appointment

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (12:14): At the request of Senator Carr, I move:

(1) That a select committee, to be known as the Select Committee on School Funding, be established to inquire into and report on the development and implementation of national school funding arrangements and school reform, with particular reference to:

(a) the implementation of needs based funding arrangements, from 1 January 2014, for all schools and school systems, including:

(i) Commonwealth funding, methods for the distribution of funds, funding arrangements and agreements with states and territories, as well as related accountability and transparency measures,

(ii) funding arrangements for individual schools,

(iii) the extent to which schools can anticipate their total future funding and links to educational programs in future years,

(iv) the consequential equity of educational opportunity between states and territories, schools and students,

(v) progress towards the Schooling Resource Standard, and

(vi) the implementation of schools reforms,

(b) how funding arrangements will meet the needs of all schools and individual students, including Indigenous students, students with disability, small schools, remote schools, students with limited English, and students from socially and economically disadvantaged backgrounds;

(c) the Government's proposed changes to the Australian Education Act 2013, related legislative instruments and their consequences;

(d) the economic impacts of school education policy;

(e) the Government's consideration of expert findings, research, public consultation and reports in the development and implementation of school policy, including the selection of experts to provide advice on education policy; and

(f) any related matters.

(2) That the committee may present interim reports and must present a final report on or before 13 May 2014.

(3) That the committee consist of 7 senators, 3 nominated by the Leader of the Government in the Senate, 3 nominated by the Leader of the Opposition in the Senate, and 1 nominated by the Leader of the Australian Greens.

(4) That:

(a) participating members may be appointed to the committee on the nomination of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate or any minority party or independent senator; and
(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of members of the committee, but may not vote on any questions before the committee.

(5) That 3 members of the committee constitute a quorum of the committee.

(6) That the committee may proceed to the dispatch of business notwithstanding that not all members have been duly nominated and appointed and notwithstanding any vacancy.

(7) That the committee elect as chair a member nominated by the Leader of the Opposition and as deputy chair, a member nominated by the Leader of the Australian Greens.

(8) That the deputy chair shall act as chair when the chair is absent from a meeting of the committee or the position of chair is temporarily vacant.

(9) That the chair, or the deputy chair when acting as chair, may appoint another member of the committee to act as chair during the temporary absence of both the chair and deputy chair at a meeting of the committee.

(10) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, has a casting vote.

(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members, and to refer to any such subcommittee any of the matters which the committee is empowered to examine.

(12) That the committee and any subcommittee have power to send for and examine persons and documents, to move from place to place, to sit in public or in private, notwithstanding any prorogation of the Parliament or dissolution of the House of Representatives, and have leave to report from time to time its proceedings, the evidence taken and such interim recommendations as it may deem fit.

(13) That the committee be provided with all necessary staff, facilities and resources and be empowered to appoint persons with specialist knowledge for the purposes of the committee with the approval of the President.

(14) That the committee be empowered to print from day to day such documents and evidence as may be ordered by it, and a daily Hansard be published of such proceedings as take place in public.

Question agreed to.

MOTIONS

Qantas

Senator RHIANNON (New South Wales) (12:15): I move:

That the Senate—

(a) notes the significant benefit that a majority Australian-owned Qantas brings to national security, manufacturing and tourism jobs, and the wider economy; and

(b) calls on the Government to seriously consider investing in Qantas as a signal of its importance to the national economy.

Senator XENOPHON (South Australia) (12:15): by leave—I move:

After paragraph (b), insert:

(c) considers that any government investment should not be made while the Chief Executive Officer (Mr Joyce) and Chairman (Mr Clifford) remain in the company.

The PRESIDENT: The question is that the amendment moved by Senator Xenophon be agreed to.

Question negatived.
The question now is that the motion moved by Senator Rhiannon be agreed to.
Question agreed to.

COMMITTEES

Education and Employment References Committee

Senator Xenophon (South Australia) (12:16): I seek leave to amend business of the Senate notice of motion No. 5 standing in my name for today proposing a reference to the Education and Employment References Committee relating to childcare services.
Leave granted.

Senator Xenophon: I move the motion as amended:
That the following matter be referred to the Education and Employment References Committee for inquiry and report by 17 June 2014:
The immediate future of the childcare sector in Australia, with particular reference to:
(a) cost and availability for parents over the short term, including the effectiveness of the current government rebates;
(b) administrative burden, including the impact of the introduction of the National Quality Framework;
(c) the current regulatory environment and the impact on children, educators and service operators;
(d) how the childcare sector can be strengthened in the short term to boost Australia's productivity and workplace participation for parents; and
(e) any related matters.
Question agreed to.

Rural and Regional Affairs and Transport References Committee

Senator Moore (Queensland) (12:18): I seek leave to amend business of the Senate notice of motion No. 9 standing in my name for today proposing a reference to the Rural and Regional Affairs and Transport References Committee.
Leave granted.

Senator Moore: I move the motion as amended:
That the following matters be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 27 March 2014:
The role of public transport in delivering productivity outcomes, with particular reference to:
(a) the need for an integrated approach across road and rail in addressing congestion in cities, including Sydney, Melbourne, Brisbane, Adelaide and Perth;
(b) the social and environmental benefits of public transport projects compared to road infrastructure projects such as WestConnex and the East West Link;
(c) the national significance of public transport;
(d) the relationship between public transport and building well-functioning cities;
(e) the decision of the Federal Government to refuse to fund public transport projects;
(f) the impact on user charges arising from requiring states to fund public transport projects; and
(g) any related matter.

Senator RHIANNON (New South Wales) (12:19): by leave—I move:

After paragraph (f), insert:

(fa) why motorway development in the last decade has received higher levels of federal and state
government funding compared with public transport; and

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

The PRESIDENT: Leave is granted for one minute.

Senator RHIANNON: This inquiry is needed but to serve its purpose we need to explore
the massive imbalance in funding between motorways and public transport. When Labor was
in government $36 billion was allocated for a six-year national building and transport plan—
sounds good, but three-quarters of that was earmarked for road and one-quarter for rail.
During the six years that Mr Anthony Albanese was the transport minister, motorways and
road building were favoured at a rate of about four to one over public transport. Labor, when
in government, had no federal strategy to drive investment in public transport. I have been
informed that Labor will not support the Greens amendment that specifies the need for the
inquiry to consider why motorway development over the past decade has received higher
levels of federal and state government funding compared with public transport. These issues
should be explored.

The PRESIDENT: The question is that the amendment moved by Senator Rhiannon be
agreed to.

Question negatived.

The PRESIDENT: The question is that the amended motion moved by Senator Moore be
agreed to.

Question agreed to.

Legal and Constitutional Affairs References Committee
Reference

Senator LUDLAM (Western Australia) (12:22): I move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee
for inquiry and report by 10 June 2014:

Comprehensive revision of the Telecommunications (Interception and Access) Act 1979 (the Act), with
regard to:

(a) the recommendations of the Australian Law Reform Commission For Your Information: Australian
Privacy Law and Practice report, dated May 2008, particularly recommendation 71.2; and

(b) recommendations relating to the Act from the Parliamentary Joint Committee on Intelligence and
Security Inquiry into the potential reforms of Australia's National Security Legislation report, dated
May 2013.

I will also just indicate to senators that after the voting intentions of senators are clear, I will
seek leave to make a brief statement.

Question agreed to.

Senator LUDLAM: Mr President, I seek leave to make a brief statement.
The PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: Just before this is committed to the record, the motion is for a reference to the references committee—I am just checking again as there might be an error on today's red. I am delighted to see this reference pass the chamber. Senators will be aware that I have been attempting to have an inquiry held into the surveillance regime in Australia for months. It has never been more urgent, and I would like to acknowledge the ALP for supporting this reference. I am extremely disappointed that the government cannot see to support it.

The Secretary of the Attorney-General's Department, under the previous government and under the current government, has acknowledged that the TIA Act is hopelessly outdated and urgently in need of review. This is not a hostile reference, but it is an extremely urgent one. The TIA Act was written in 1979, well before the age of the internet—I guess you could say it was in larval form—and this was the age of the lawful warrant in which, if you needed to surveil someone's phone calls or read their emails, you needed a warrant. So I commend this resolution to the Senate and look forward to working with members from all sides on the inquiry that is so long overdue. (Time expired)

Education and Employment Legislation Committee
Senator McKENZIE (Victoria—Nationals Whip in the Senate) (12:26): I move:
That answers be provided by 13 January 2014 to the Education and Employment Legislation Committee in respect of estimates questions to the Department of Education lodged with its predecessor committee in the course of the Budget estimates hearings in June 2013 which remained unanswered at the beginning of the new Parliament.
Question agreed to.

Senator MOORE (Queensland) (12:26): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator MOORE: In opposing this motion, I note that such a motion was not made after the last change of government and that such a motion has not been made since 2004. When the new parliament was formed on 11 November, these questions put to the former government and the department expired. In light of the new parliament, government and machinery of government changes, senators may review and, if necessary, resubmit questions to the committee in additional estimates on 20 February as is standard practice.

MOTIONS
Live Animal Exports

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:25): I, and also on behalf of Senator Rhiannon, move:
That the Senate—
(a) acknowledges:
(i) the Exporter Supply Chain Assurance System was introduced under the Export Control Act 1982 to provide minimum standards for the welfare of Australian livestock in importing countries,
(ii) that exporters who disregard or deliberately flout the standards set under this system should be met with the full force of the law,
(iii) That the Department of Agriculture is currently investigating 14 complaints regarding breaches of these standards,

(iv) That the export company Livestock Shipping Services is implicated in three of these complaints regarding the sale and cruel slaughter of livestock outside approved supply chains, and

(v) the Maysora, a ship operated by Livestock Shipping Services, has docked in the Fremantle Port; and

(b) calls on the Government to prevent Livestock Shipping Services from exporting any further animals from Australia until investigations on their previous activities have been completed.

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

The Senate divided. [12:32]

(The President—Senator Hogg)

<table>
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<tr>
<th>Ayes</th>
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AYES

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

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

NOES

Bernardi, C
Boyce, SK
Bushby, DC
Colbeck, R
Cormann, M
Edwards, S
Faulkner, J
Ferravanti-Wells, C
Furner, ML
Hogg, JJ
Lines, S
Madigan, JJ
McLucas, J
O’Neill, DM
Payne, MA
Polley, H
Ruston, A
Seselja, Z
Sinodinos, A
Stephens, U
Thor, LE
Urquhart, AE (teller)

Bilyk, CL
Brown, CL
Cameron, DN
Collins, JMA
Dastyari, s
Farrell, D
Fawcett, DJ
Fifield, MP
Gallacher, AM
Kroger, H
Ludwig, JW
McKenzie, B
Moore, CM
Parry, S
Peris, N
Pratt, LC
Ryan, SM
Singh, LM
Smith, D
Sterle, G
Tillem, M
Williams, JR

Question negatived.
Thursday, 12 December 2013

COMMITTEES
Gambling Reform Committee
Appointment

Senator XENOPHON (South Australia) (12:34): I move:

(1) That a Joint Select Committee on Gambling Reform be established to:

(a) inquire into and report on the following:

(i) the Productivity Commission report on gambling, released in June 2010, including a national response to the full set of its recommendations,

(ii) any gambling-related legislation that has been tabled in either House, either as a first reading or exposure draft,

(iii) monitoring the impact of problem gambling and reforms to address problem gambling, and

(iv) such other matters relating to gambling referred by either House; and

(b) make recommendations to the Minister for Social Services and the Assistant Treasurer, to inform any position that the Commonwealth will take to the COAG Select Council on Gambling Reform.

(2) That the committee consist of 10 members, 2 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips, 1 Member of the House of Representatives to be nominated by any minority party or independent Member, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority party or independent Senator.

(3) That:

(a) participating members may be appointed to the committee; and

(b) participating members may participate in hearings of evidence and deliberations of the committee, and have all the rights of a member of the committee, but may not vote on any questions before the committee.

(4) That every nomination of a member of the committee be notified in writing to the President of the Senate and the Speaker of the House of Representatives.

(5) That the members of the committee hold office as a joint select committee until the House of Representatives is dissolved or expires by effluxion of time.

(6) That the committee elect as its chair a member nominated by the Leader of the Government in the Senate.

(7) That the committee elect as its deputy chair a non-Government member nominated by either the Opposition Whip or a minority party or independent Member of the House of Representatives.

(8) That the deputy chair shall act as chair of the committee at any time when the chair is not present at a meeting of the committee, and at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting.

(9) That, in the event of an equally divided vote, the chair, or the deputy chair when acting as chair, have a casting vote.

(10) That 3 members of the committee constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

CHAMBER
(11) That the committee have power to appoint subcommittees consisting of 3 or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine.

(12) That the committee appoint the chair of each subcommittee who shall have a casting vote only and at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting.

(13) That 2 members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include 1 Government member of either House and 1 non-Government member of either House.

(14) That members of the committee who are not members of a subcommittee may participate in the proceedings of that subcommittee but shall not vote, move any motion or be counted for the purpose of a quorum.

(15) That the committee or any subcommittee have power to call for witnesses to attend and for documents to be produced.

(16) That the committee or any subcommittee may conduct proceedings at any place it sees fit and sit in public or private.

(17) That the committee or any subcommittee have power to adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives.

(18) That the committee may report from time to time, but that it present its final report no later than 30 June 2015.

(19) That the provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

(20) That a message be sent to the House of Representatives seeking its concurrence in this resolution.

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator XENOPHON: Given what is likely to happen in relation to even minimalist gambling reform, I thought it was important to revive the Joint Select Committee on Gambling Reform, which did do a lot of useful work. It had an oversight role. It looked at gambling addiction, gambling reform and matters that needed to be attended to especially at the Commonwealth level. I think it would be a terrible shame, notwithstanding the ALP's position to withdraw its previous support for some minimalist legislative reforms, to not have this committee continue to do the very good work it was doing.

Senator DI NATALE (Victoria) (12:35): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator DI NATALE: I rise to say that the Greens will not support this motion, not because we, like Senator Xenophon, are not committed to tackling problem gambling. In fact, when it comes to poker machine reform, I am tempted to say that Senator Xenophon and the Greens are on a unity ticket, although unity tickets are not what they used to be. We spent three years on the Joint Select Committee on Gambling Reform fighting very hard to see gambling reform achieved in this parliament. We thought we got somewhere. We heard evidence from experts right across the spectrum: from the industry, academics, activists and people who were affected. It seems that what we have here is not a lack of evidence but a lack...
of action. If anything, we need not an inquiry into gambling but a joint select committee into political courage and the power of vested interests in this country.

Question negatived.

BUDGET

Consideration by Estimates Committees

Senator KROGER (Victoria—Chief Government Whip) (12:38): I present additional information received by committees relating to estimates.

COMMITTEES

Finance and Public Administration Legislation Committee

Report


Ordered that the report be printed.

Senator BERNARDI: I move:

(a) that the Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013 be referred to the Joint Standing Committee on Electoral Matters for inquiry and report; and

(b) that, in conducting any inquiry, the Joint Standing Committee on Electoral Matters have the power to consider and use any evidence submitted to the Senate Finance and Public Administration Legislation Committee in relation to its inquiry into the Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013.

Question agreed to.

Senators' Interests Committee

Report


Publications Committee

Report


Ordered that the report be adopted.

Community Affairs Legislation Committee

Report

Senator BOYCE (Queensland) (12:40): On behalf of the Community Affairs Legislation Committee, I present the report of the committee on the provisions of the Social Services and Other Legislation Amendment Bill 2013, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

**BILLS**

**Indigenous Education (Targeted Assistance) Amendment Bill (No. 2) 2013**

Message received from the House of Representatives returning the bill without amendment.

**Fair Work (Registered Organisations) Amendment Bill 2013**

*First Reading*

Bill received from the House of Representatives.

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:41): I move:

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

Question agreed to.

*Second Reading*

**Senator FIFIELD** (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (12:41): I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

**Introduction**

The Coalition Government is committed to improving the Fair Work laws so that we can build a more stable, fair and prosperous future for Australia's workers, businesses and the economy.

Unions and employer associations who operate in the workplace relations field play a critical role in workplaces and the economy and their members invest a great deal of trust in them. The community expectation is that these registered organisations must operate to the highest of standards. These organisations are given special legislated rights. With rights come responsibilities.

The Government believes that the majority of registered organisations do the right thing and, in many cases maintain higher standards than those that are currently required. However, the recent investigations into the Health Services Union illustrate that, unfortunately, financial impropriety can occur under the current governance regime for registered organisations.

The charges and allegations against former ALP Member of Parliament, Craig Thomson and former ALP National President, Michael Williamson, in their capacity as officers of the Health Services Union are shocking and unacceptable. Mr Thomson was arrested in respect of more than one-hundred and fifty fraud-related criminal charges and is facing allegations that his 2007 federal election campaign was partly funded by siphoning union money without authorisation. Mr Williamson has pleaded guilty to misusing almost one million dollars of Health Services Union members' funds. Mr Williamson has also been accused of destroying documents and hindering investigations. Members of the Health Services Union are asking how this gross breach of trust could happen. Questions have also arisen with numerous other Registered Organisations. Members of registered organisations are asking whether this could happen in their organisation.
The Government believes the Fair Work (Registered Organisations) Amendment Bill (the Bill) will provide the certainty and high standards of operation that members of registered organisations are entitled to expect.

The Bill introduces a suite of legislative measures designed to see governance of registered organisations lifted to a consistently high standard across the board. A more robust compliance regime will deter wrongdoing and promote first class governance of registered organisations.

The recent HSU scandals also revealed that the current processes for investigating wrongdoing and ensuring accountability are clearly inadequate. The Fair Work Australia investigations into the Health Services Union took far too long and the ensuing legal proceedings remain ongoing. A KPMG review into Fair Work Australia’s investigations into the Health Services Union identified shortcomings in the conduct of those investigations. Members of the Union and the community not only want a strong regulatory regime to give them confidence in their registered organisations, they also want swift action taken when standards are breached. In order to do this, it is necessary to have a robust regulator in place with appropriate powers and resources, together with meaningful sanctions that can be applied when wrongdoing is revealed.

To improve oversight of registered organisations, the Bill will establish a dedicated independent watchdog, the Registered Organisations Commission (the Commission), and provide it with enhanced investigation and information gathering powers to monitor and regulate registered organisations.

The new Commission will have the necessary independence and the powers it needs to regulate registered organisations effectively, efficiently and transparently.

The Commission will be headed by the Registered Organisations Commissioner (the Commissioner), who will be appointed by the Minister.

The Commission will have stronger investigation and information gathering powers than those that currently apply. These will be modelled on those available to the Australian Securities and Investments Commission, which will further enhance the ability of the Commissioner to provide strong and efficient regulation of unions and employer associations. The Commission will have the power to commence legal proceedings and refer possible criminal offences to the Director of Public Prosecutions or law enforcement agencies.

The Bill also ensures that there are appropriate sanctions against efforts to hinder or mislead investigations. This will give all members confidence that should they make a complaint to the Commission about a registered organisation, that organisation and its officials must comply with the requirements of the investigation process or face sanctions. Members can also have confidence in the fact that under the new legislation, a person convicted of particular offences will not be eligible to be an officer of an organisation or to stand for election to office.

The Commission will also educate, assist and advise registered organisations and their members in relation to the new obligations, and ensure members are aware of their rights.

The Commission will be established within the Office of the Fair Work Ombudsman. While located within the Office of the Fair Work Ombudsman, the Commissioner will have independence in the exercise of the relevant functions and powers under the law, and the authority to direct staff in relation to the performance of those functions.

To ensure financial independence a special financial account will be established for the Commission and the Commissioner will have responsibility for day-to-day management of the account.

The Commission will be required to report annually to the Minister for Employment on its activities and that report will be tabled in Parliament. The Commissioner will appear at Senate Estimates.
The activities of the Commission will also be subject to the same oversight by the Commonwealth Ombudsman as Commonwealth agencies. This will ensure the appropriate level of transparency and public accountability.

As is common with statutory office holders, the Minister will be able to give directions of a general nature to the Commissioner. These directions must be in writing and will be disallowable instruments. For the avoidance of any doubt, I want to be absolutely clear that the Minister will not have any powers to give directions as to a particular matter or investigation.

The Bill also provides for information sharing between the Fair Work Commission and the Registered Organisations Commission to the extent that is required for both organisations to do their job effectively and efficiently. This is required as several administrative tasks relating to registered organisations will continue to be the responsibility of the General Manager of the Fair Work Commission.

Transitional arrangements have been included in the Bill to ensure any ongoing matters being dealt with by the Fair Work Commission relating to registered organisations can be dealt with by the Registered Organisations Commission.

As well as establishing a strong, independent regulator, the Bill introduces reporting and disclosure requirements and enhanced penalties for wrongdoing.

Many registered organisations control assets worth millions of dollars – they are effectively dealing with cash flow and investments similar to those of large businesses.

That is why the Bill introduces financial and operational reporting requirements for registered organisations that align with those in the Corporations Act. This will strengthen existing financial reporting, disclosure and transparency obligations for registered organisations and their officers.

It is entirely appropriate to expect a high standard of financial reporting from our registered organisations given the trust members place in their unions and employer associations to operate honestly, and to use the funds derived from their membership fees to represent their interests rather than for ulterior purposes. Registered organisations have substantial economic, legal and political influence. It is clearly inconsistent with community expectations for such organisations to operate to lower standards than those that apply to corporations or other comparable bodies.

Registered organisations will need to disclose remuneration paid to their top five officers in the head office and any branches. Officers will be required to disclose their material personal interests to all members. This means disclosing the personal interests of officers and their relatives, and declaring any payments made to persons or entities in which an officer has declared an interest. This aims to prevent individuals from improperly benefiting from their role in the organisation - for example by an officer procuring goods or services from a company they hold some interest in without disclosing that interest and an appropriate and transparent process not being followed.

Registered organisations will be required to provide a summary of this information to members in an 'officer and related party disclosure statement' and lodge it with the Commission.

While the Corporations Act only requires directors to disclose conflicts of interest to their fellow directors, the Government believes that officers of registered organisations should be required to disclose such matters to members, as they are elected by members to represent their interests. Members deserve to know who is in control of their money and where any conflicts might exist.

Mr Thomson and Mr Williamson have shown us that the existing regulation does not sufficiently protect members' interests. Unfortunately, there will always be less scrupulous individuals who will seek to take advantage of their positions when standards of accountability and the risk of getting caught are low.

In the face of this kind of behaviour, a strong message needs to be sent to discourage wrongdoing by officers and to rebuild the confidence of members and the community. Enhanced reporting and
disclosure requirements and a strong and efficient regulator will have little impact if the penalties for wrongdoing are not high enough to act as a deterrent.

Currently, registered organisations and officers do not face the same consequences as companies and directors for wrongdoing. That is why the Government is introducing significantly higher civil penalties, and a range of criminal penalties, for those registered organisations and officials who do the wrong thing. These penalties are in line with those facing companies and directors who break the law.

In relation to civil penalty breaches, the maximum penalty for serious contraventions will be 1200 penalty units for an individual or 6000 penalty units for a body corporate. This will apply to serious contraventions. What will constitute a serious contravention is defined in the Bill. Other breaches will be exposed to a maximum civil penalty of 100 penalty units for a individual or 500 penalty units for a body corporate. By way of comparison, the current maximum penalties for even the worst misbehaviour are only 60 penalty units for individuals. The Federal Court will also have the power to disqualify an officer from holding office where a civil penalty provision has been contravened and the court is satisfied disqualification is justified.

Criminal penalties are being introduced for serious breaches of officers' duties as well as offences in relation to the conduct of investigations under the Registered Organisations Act. The maximum penalties in these areas are 2000 penalty units or 5 years imprisonment or both.

Broadly, these offences relate to officers and employees of registered organisations who fail to exercise their powers or discharge duties in good faith and for a proper purpose. These offences also apply where an officer uses their position to gain advantage for themselves or someone else, or uses information gained while an officer or employee to gain an advantage for themselves or someone else.

Criminal sanctions will also apply where an officer does not comply with the Commissioner's new investigation powers. These sanctions align with the penalties that apply to non-compliance with an ASIC investigation and will ensure that officers of registered organisations take their obligations and the directions of the Commissioner seriously.

Some registered organisations have indicated concern that the new penalties will mean that they will have difficulty persuading people to take on official responsibilities. The Government does not agree.

The only people who have anything to fear are those who do the wrong thing. A rigorous structure and processes will be in place for investigation and prosecution of alleged wrongdoing. Officers who are operating within the law, which is the overwhelming majority of them, will have no reason to fear taking on official responsibilities. The overwhelming number of officers who are already doing the right thing should be comforted in knowing that unlawful behaviour will be dealt with, thus ensuring ongoing member confidence in registered organisations as a whole.

The Coalition Government firmly believes that there should be no difference between the penalties levied against a company director who misuses shareholders' funds and a registered organisations boss who misuses members' money.

I recognise the broad community consensus for the Government's amendments including from one of Australia's most prominent union bosses Mr Paul Howes of the Australian Workers' Union, who told the ABC on 26 November 2012:

"I actually believe there is a higher responsibility for us as guardians of workers' money to protect that money and to act diligently and honestly".

"The reality is I do not have any issue with increasing the level of requirements and penalties on trade unions for breaching basic ethics like misappropriation of funds."

The Government's intention is to see the Registered Organisations Commission begin operation from early 2014, with new disclosure and reporting obligations, higher civil penalties and new criminal sanctions coming into effect from 1 July 2014.
This timing aligns with the financial year basis of reporting obligations, and will provide registered organisations and officers with time to become familiar with the new obligations and the penalties associated with those obligations.

In developing the Bill, the Government consulted with National Workplace Relations Consultative Council members through the Committee on Industrial Legislation which includes employer and employee associations. The Government made a number of key changes to the Bill, as well as several minor and technical amendments, in response to the feedback received. The Government thanks these Committee members for taking the time to review the draft legislation.

I understand that some members suggested the Bill should be delayed. The Government believes there is no time to lose in implementing these important safeguards for members relating to the operation of registered organisations.

Again, the only people who have anything to fear by these amendments are those who do the wrong thing. Anyone in this place who has a regard for the members of registered organisations and their money will support this Bill.

Any political party that refuses to support this greater accountability and transparency for registered organisations is voting to give the green light to more of the same behaviour that we have seen from Mr Michael Williamson and Mr Craig Thomson. It is simply no longer tenable to argue that the present system is adequate to deal with or discourage this kind of behaviour.

The Government believes the Bill sets a suitably high standard for the governance and regulation of registered organisations. It responds to the legitimate concerns of members of registered organisations and the community as a result of the shocking behaviour of certain Health Services Union officials. Only those officers who do the wrong thing have anything to lose from these changes. Members of registered organisations and the community have everything to gain.

Debate adjourned.

BUSINESS

Rearrangement

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:44): I move:

That government business order of the day no. 44, the Australian Civilian Corps Amendment Bill 2013, be postponed till a later hour.

Question agreed to.

BILLS

Import Processing Charges Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:44): I thank senators for their contribution and commend the bill to the Senate.

Question agreed to.

Bill read a second time.
Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:45):
I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013

Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013

Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.
Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:45):
I commend the bills to the Senate.
Question agreed to.
Bills read a second time.

Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:46):
I move:
That these bills be now read a third time.
Question agreed to.
Bills read a third time.

Offshore Petroleum and Greenhouse Gas Storage Amendment (Cash Bidding) Bill 2013

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2013

Second Reading

Debate resumed on the motion:
That these bills be now read a second time.
Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:46):
I thank senators and commend the bills to the Senate.
Question agreed to.
Bills read a second time.
Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:47):

I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Rural Research and Development Legislation Amendment Bill 2013
Primary Industries (Excise) Levies Amendment Bill 2013
Primary Industries (Customs) Charges Amendment Bill 2013

Second Reading

Debate resumed on the motion:

That these bills be now read a second time.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:47):

I thank senators and commend the bills to the Senate.

Question agreed to.

Bills read a second time.

Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:48):

I move:

That these bills be now read a third time.

Question agreed to.

Bills read a third time.

Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator XENOPHON (South Australia) (12:48): In relation to the Customs Amendment (Anti-Dumping Commission Transfer) Bill 2013, I indicate very briefly that more work needs to be done on issues of antidumping. The previous government moved a number of useful amendments in respect of the Anti-Dumping Commission. There is a question here as to whether the Anti-Dumping Commission should be transferred to the department. There are some, including the Brumby review, who indicated that this was not necessarily a good move in terms of the investigative powers available and the integrity standards applied to customs officers, so that is an issue of concern that I have and a matter that I think ought to be considered.

My question for the government—and I am happy for it to be taken on notice—is: how do you deal with those integrity issues that would apply to those within the department in the same way they apply to customs officers? That is the nub of my concerns. I reiterate my previous advocacy for a reversal of the onus of proof in dealing with dumping cases, but that
is not the issue at stake here; it is an issue of whether the transfer of responsibilities is the most effective way to deal with these matters together with the issue of the integrity and probity that apply to customs officers and whether there ought to be similar thresholds and standards within the department.

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education) (12:50): I thank senators for their contributions. I will ask the minister to respond to the query raised by Senator Xenophon. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education) (12:50): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**BUSINESS**

**Rearrangement**

**Senator RYAN** (Victoria—Parliamentary Secretary to the Minister for Education) (12:51): I move:

That intervening business be postponed till after consideration of government business order of the day no. 14 (Australian Civilian Corps Amendment Bill 2013).

Question agreed to.

**BILLS**

**Australian Civilian Corps Amendment Bill 2013**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator XENOPHON** (South Australia) (12:51): I would like to express my reservations in relation to this bill. Australia's aid program is incredibly important for both humanitarian and economic reasons. I acknowledge that there have been concerns about the effectiveness of AusAID on a broader scale, but that is no reflection on the many individuals who have dedicated their time and skills through the Australian Civilian Corps. I believe we are at a point where we need to make a decision on to what extent Australia's aid policy should focus on trade and foreign affairs outcomes as opposed to individuals or communities who are in need of direct aid. I am concerned that shifting AusAID's responsibilities to the Department of Foreign Affairs and Trade will result in an even greater move towards the first option. While it is important that foreign affairs and trade outcomes form part of the broader picture, they should not be the sole or primary aim of our aid program.

Australia's aid program has doubled in size over the last 10 years, from $2.4 billion to $4.8 billion. However, there is very little ongoing parliamentary oversight of how this money is
allocated. The desire for a specific committee or subcommittee to manage this oversight has been indicated by many groups and individuals over the last few years, including the Senate Standing Committee on Foreign Affairs, Defence and Trade. I strongly support these calls and I will be moving to establish such a committee or subcommittee in the new year. My office has spoken briefly to the department, who have indicated that at this stage they will not support such a committee or subcommittee. I am looking forward to continuing these discussions with both sides of politics, because I believe this measure is urgently needed. Australia's aid program should be open to parliamentary scrutiny for the good of our country as well as for others.

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:52):
I thank Senator Xenophon for the contribution and I commend the bill to the Senate.

Question agreed to.
Bill read a second time.

Third Reading

Senator RYAN (Victoria—Parliamentary Secretary to the Minister for Education) (12:53):
I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

Social Services and Other Legislation Amendment Bill 2013

Second Reading

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

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:53): The Social Services and Other Legislation Amendment Bill 2013 is cause for a great deal of concern for the Greens because of the many provisions it contains. Therefore, while I cannot say that we will be opposing all of it, we will be opposing most of the schedules. However, there are a few that we could support, and that of course will need to be dealt with in the Committee of the Whole.

The issues contained within this bill are significant and have significant implications for students, pensioners, low-income families and the not-for-profit sector. The bill seeks to undermine at least two major pieces of reform from the previous parliament, by repealing the reforms in the National Gambling Reform Act 2012 and delaying the implementation of the long debated and consulted-over Charities Act 2013. It is completely inappropriate to seek to pass so many different and complex issues through what is really one omnibus bill, particularly as there has been totally inadequate time to consider these major amendments, and we will be moving to make sure that we can vote on each of these schedules separately. I also want to point out how disappointing it is for stakeholders to have less than a week to contribute to the Senate inquiry, particularly given that most of these measures are not time sensitive and are extremely important amendments because they have ramifications. It is particularly important that they be looked into.
There are some aspects of this bill that we can support: namely, schedule 8, parts of schedule 9—I say 'parts' because we do not support the changes to the indexation of the childcare rebate, and my colleague Senator Hanson-Young will be talking about that particular issue—schedule 10, schedule 11 and schedule 12. I have already circulated in the chamber amendments to schedule 9, separating out the indexation of the childcare rebate from the family tax benefits provisions.

However, there are significantly more aspects of this bill that we do not support, particularly the university cuts, the gambling repeals, the freeze on the childcare rebate, the delay of the implementation of the Charities Act, the changes to the family tax benefit rules, extension of income management and the changes to pension portability. As you can see, this wide range of issues significantly impacts across a range of portfolio areas. There are four of us in the Greens who are dealing with these issues, and I know it is the same for other parties. The extent of our concerns can be found in the fact that there have been contributions to three separate committee inquiries because the range of these provisions crossed so many areas that they had to be subject to three Senate committee inquiries. I will leave it to my colleagues to raise the issues specifically related to the areas of gambling, the childcare rebate and the university cuts, and I wish to speak particularly about charities, family tax benefit and income management.

When it comes to the issues around charities, the Greens strongly oppose the government amendment that delays the implementation of the Charities Act for nine months. The definition contained within the Charities Act does not introduce any significantly new concepts; rather it codifies and consolidates the growing body of charity case law into a single act, which provides greater clarity and certainty to charities. As a result, it clarifies that working on activities such as housing and Indigenous issues can form a charitable purpose. It also enshrines in legislation the freedom to advocate and makes explicit that advocacy is a legitimate charitable purpose, provided that advocacy is not in aid of a specific candidate or political party. This directly reflects existing case law, particularly the AID/WATCH case and the subsequent tax ruling TR 2011/4, in a way that reduces ambiguity for charities in understanding how advocacy may fit within their charitable purpose. Refining the definition of a charity has been on the political agenda for over 10 years, and the passage of the legislation earlier this year was overwhelmingly welcomed and accepted by the charity and not-for-profit sector.

The charities who spoke to the committee inquiry into this bill were caught completely unawares by the government's intention to postpone the implementation of this bill. Slipping this amendment into this huge omnibus bill at the eleventh hour is completely inappropriate. None of the submitters to the inquiry could point to a clear reason why the government would defer the implementation of this act. Given that one of the stated aims of the government is to reduce red tape on the charities sector, delaying the implementation of the Charities Act is completely contrary to that goal. Submitters pointed to the significant legal costs that charities face in trying to understand the charities case law. The Charities Act will reduce red tape and uncertainty in the sector, something the government claims to want.

The government would not treat business like this, so why has it shown such complete disregard to our charity sector, which is one of the biggest employers in Australia? As I said in this place the other day, if this were business, this would be on the front page of the
The Australian Greens would be extremely concerned if the purpose of further consultation is to try and wind back the advocacy component of these bills. Undermining the role of advocacy will only put more pressure on charities who speak out about public policy. One of the biggest risks that charities face is the winding back of the DGR status for failing to operate within their stated charitable purpose. There were several attempts during the Howard government to undermine organisations such as the Wilderness Society by challenging their DGR status. If it is the goal to dismantle the legislative protection for advocacy, this is extremely disappointing and we will oppose it at every turn.

I turn briefly to income management. The application of income management in Cape York, which relates to schedule 2 of this bill, is quite widespread. While income management is meant to be applied as a measure of last resort, 25 per cent of those living in the welfare trial sites had been subjected to it by December 2011. Although an income management order is meant to exist for between three and 12 months, the average time for the basics card is 16.8 months. Clearly, income management orders are applied frequently and often extend beyond their original time period. While the Australian government argues that income management has been instrumental in improving school attendance, care and protection of children and community safety, there has not yet been any objective analysis of income management in Cape York to show that it has delivered on these outcomes. The continued application of a highly coercive program such as income management needs to be justified before the Australian Greens can support extending it in any guise. The report commissioned by the Australian government is unable to demonstrate conclusively that income management in Cape York has met its stated aims. On the weight of the evidence the Australian Greens believe that income management is a failed and expensive policy that the government is persisting with in the absence of any real justification. There are a number of other programs which are not coercive in nature, such as Centrepay, that can be used to help people manage their money better.

The Australian Greens support direct investment in programs in communities that address the underlying causes of the disadvantage rather than income management, which is expensive to implement and punitive. The money being spent on income management around Australia would be better invested directly into communities in order to provide specialist, direct programs to address things like financial management, education, better access to fresh food, a reduction in alcohol and drug abuse and better support for parents and people looking for work. Although people point out that the Cape York income management is different to other schemes, it is still punitive in approach and has not comprehensively demonstrated that it does increase the measures that the government claims it does and there is very little evidence to show the measures used there are more successful than measures used elsewhere.

I want to talk briefly about family tax benefit eligibility, which is another schedule in the bill. Raising teenagers is an expensive exercise—and anybody who is raising teenagers will know that—for low- to middle-income families in particular. Access to government support programs does play a significant part in the budgets of low- and middle-income families. However, the proposed changes to the family tax benefit eligibility will mean that some families lose access to this payment. There is clearly a cohort of families who will be affected by this measure, as demonstrated by the predicted savings outlined in the explanatory memorandum. This measure effectively acts as a penalty for 16- to 17-year-old children not
enrolled at school or university or in the workforce. The Australian Greens believe using the threat of reduced family payments to motivate families to keep their children in education is counterproductive. It detracts from the purpose of family payments to ease poverty among children; it has not been demonstrated that making family tax benefits contingent on school enrolment has a positive impact on school attendance or transition to other forms of activity, particularly for that cohort of young people. Again, I will point out that, if you are a parent of teenagers, you will know how difficult it can be to convince them of a particular course of action. Rather it has been demonstrated through the application of other programs such as SEAM and welfare quarantining that the pressure on families that results from reduced payments can in fact act as a source of further dysfunction and negatively impact on family relationships. A more progressive and reasonable method would be to allow family tax benefits to continue until the child turns 18 or completes their final secondary year and becomes eligible for youth allowance.

In conclusion, this bill is a grab bag of social policy measures, few of which we can support but most of which we believe are deeply unacceptable. Government has combined these measures in order to ram through appalling changes, and we will not help facilitate this. We will not accept all of the measures just so that a few of those we accept will be passed. It has not given an appropriate amount of time for debate or consideration of these measures that have profound effects on many people in our community. Potentially, this bill affects millions of Australians. Although there are 12 measures listed, there are actually 13 because of the charities provision that was snuck in at the last minute as schedule 1A. There are 13 different measures here and some of the schedules have multiple effects, such as schedule 9, which contains the freezing of the indexation of both the childcare rebate and the family tax benefits. This, we believe, is symptomatic of the way the government holds in contempt, although it professes not to, the not-for-profit sector, social services and low-income families.

As I indicated, the Greens will be circulating amendments to this bill—I have already done so. We will be seeking to have the schedules dealt with separately in the Committee of the Whole so that we can express the will of the Senate on each of those particular schedules. We believe that there are some schedules that we can support, but we cannot support the vast majority of them. Therefore, we will be moving to allow a vote on each of the schedules separately.

Senator BOYCE (Queensland) (13:07): I had hoped to simply talk about the government's findings during the inquiries that we had on these bills, but I think there are perhaps a few misconceptions that I should first counter. Out of the 13 schedules for this bill, 10 were referred to the Community Affairs Legislation Committee. The other three, which were around education and legal matters, were referred to other committees which had the expertise to deal with those particular issues. I do not see what is so terrible, as Senator Siewert would have us believe, in referring matters to the committees that have the expertise to deal with them.

If you look at the complaints made by both the Greens and Labor about the time spent on these inquiries, you find that the schedules split into two types of matters. Some of them are matters that were proposed by the former Labor government. In their dying days, they discovered economy and found some ways to look for savings. But for their problems with who the Prime Minister was on a day-to-day basis, many of these provisions would already be
passed into law. The previous government were unable to get a legislative table, schedule or program happening in a coherent way because they were so poorly organised at the time. That means that a significant number of these matters are coming to us now.

The other matters all fall into the category of election promises made by this government. So it is scarcely true to say that no-one had heard about these ideas until a few days ago. Every matter here was canvassed by the now government during the election campaign, and I look at things like the move to take the impost off employers of having to pay parental leave to employees who are on leave. Despite the best efforts of the Labor government to force that onto employers, there is no coherent reason why that should be the case.

Looking through the amendments, which we were told by the Greens were not urgent, is interesting. If you look at the 13 schedules of the bill, three of them are due to start on 1 January 2014. One of them is due to start the minute schedule 5 starts on 1 January 2014. So four of them are due to start on 1 January 2014. If they are interested in orderly government, I would have thought we would require a certain amount of timeliness in the passing of legislation by this house. Three of the measures are due to start on 1 March 2014. Again, it would seem quite sensible for those measures, all of which have been discussed in some depth in various forums within the parliament, to be passed as soon as possible. There is no reason why any of these bills cannot be put through today.

We certainly hear the objections of people such as Senator Xenophon, who has been a great champion in the area of gambling reform, but we would make the point that there is nothing in the schedule that we have developed that (a) was not something we took to the last election or (b) raises a need for concern. We are simply giving the states and territories the jobs that the states and territories should always have. Labor governments may try to develop a centralised nanny state, but that is no reason why we should follow them.

I want to speak briefly so that we have a chance to get to a vote, hopefully, on this legislation, but I will just single out, for example, the opposition of both the Greens and the Labor Party to the development and imposition of an interest charge on students who owe money to Centrelink for loans. These are not people who just automatically owe the money. This is an interest charge for people who refuse to enter into a repayment scheme with Centrelink. If you look at the quantum of this, according to Department of Social Services officials during the inquiry that we held, there would be $72 million covered by this particular measure. There are 33,000 debts owed by 22,000 people. So some of these people are in fact repeat offenders in this area.

We were advised by the department that all students are told about the status of the loans they have and what to do about the repayment of them once they are in work and leave whatever studies they were undertaking. So there is no reason for students not to know that they owe taxpayer money back to the government. We are talking about people who are asked to start paying this back when they have a job. If they agree to enter into a repayment scheme with Centrelink, they are not charged interest. The interest charge only applies when people refuse to engage in paying back money that we loaned them so that they could do their studies and get a job. It is not unreasonable to expect that people will pay that money back. But, of course we have the Greens position and the Labor position whereby they want to offer all the carrots and never, ever suggest that there would be a stick because—goodness!—that might
lead to some savings. And the Treasury has suggested that we would save over $33½ million over three years just by introducing that one measure.

There are many small measures covered in this bill that would lead to significant savings immediately for the government. Some of them were even savings that the Labor Party, in its dying days as a government, discovered would lead to savings and were going to introduce themselves if they had got their act together. That did not happen. But there is no way that anyone can claim that any of the measures in this bill have not been well rehearsed and well discussed. There were over six hours of hearings held into any aspect of this bill that the Greens and the opposition wanted to look at, and given, as everybody has said, that almost every area in this bill has been dealt with significantly in previous inquiries, hearings and consultations there is absolutely no reason why this bill should not be passed today.

Senator STEPHENS (New South Wales) (13:15): I too rise to speak on the Social Services and Other Legislation Amendment Bill 2013, and I am pleased to have the opportunity to do this and to reflect on the range of provisions that are in this bill. It includes everything from gambling reform and income management in Cape York to changes to our social security system. It is what we call an 'omnibus bill', with a range of different measures in it, and they need to be considered measure by measure.

The first measure relates to gambling reform, and we have had many, many debates here in this chamber about the important and serious issue of problem gambling in this country. For too many Australians, gambling can be incredibly destructive. From our previous inquiries we know that it affects around five million Australians, including friends, families and employers of people with a gambling problem. So the social cost of problem gambling in this country is estimated to be around $5 billion, and that social cost comes in addition to the almost $19 billion which is lost annually by gamblers around Australia. Those figures come from 2008 and 2009, so it could actually be even more by now. That is a huge burden for Australian families, and the Productivity Commission identified in its 2010 report:

The significant social cost of problem gambling … means that even policy measures with modest efficacy in reducing harm will often be worthwhile.

In 2012 Labor introduced measures to help protect people whose problem gambling was hurting them and their loved ones. They were meaningful reforms aimed at tackling problem gambling. The bill before us removes all of the measures contained within the National Gambling Reform Act that would help problem gamblers. Despite this, Labor continues to support meaningful measures to tackle problem gambling in our communities. As a party we will need to revisit this issue to determine the best way forward, together with stakeholders across the community, and we have revisited the issue. That is certainly what we intend to do, and what the shadow minister has foreshadowed she will be doing.

The legislation also extends income management in Cape York. We have always been strong supporters of Cape York welfare reform trials, and I have had the opportunity to go and witness some of them in practice. After coming to government in 2007 we committed more than $100 million towards those trials, including the $24½ million in this year's budget. We have always been strong advocates for the work being done in the cape, and I am particularly proud of our government's work in that regard. In 2012 there was actually an evaluation of the Cape York welfare reforms, which made very interesting reading. It found that there had been significant and measurable gains in school attendance, parental
responsibility and restoring local authority in leadership. It was a very empowering process, because the people in Cape York are working with local, state and federal governments and local organisations to drive genuine change across the cape.

The Family Responsibilities Commission, which is part of the Cape York suite of measures, has been at the centre of the welfare reform process, and its objectives are to rebuild Indigenous authority and to restore social norms by reforming incentives to support socially responsible standards of behaviour at the individual, family and community levels. In the first three years of those trials, half the population in the four Cape York welfare reform communities had direct contact with the Family Responsibilities Commission. So it has become a very significant part of each of those communities, and now a majority of people in Cape York support its role in their towns. That progress is very pleasing.

It is also important to note that the lessons that community and government have learnt from those reforms that have taken place in Cape York are being shared with other communities across the nation, communities that want to take the lessons and the progress that has been made in the cape and adapt them to their own circumstances—communities such as Groote Eylandt and Halls Creek. And this year a delegation from the NPY Women's Council also visited Cape York to see the measures and how they might assist them in the Central Desert. So we are seeing that there is Indigenous ownership of this kind of welfare reform, and that is translating very much into community action in those communities.

The bill also makes a number of changes to our social security system. Senator Siewert has been through most of those in terms of the evidence that was provided to the committee last week, so I will not go through those. There are changes made to the rules of Australian working life residence. Australian working life residence rules operate to determine how much of the age pension a pensioner can receive if they travel overseas for more than 26 weeks. So, if a pensioner spends less than the specified Australian working life residence period in Australia before going overseas, they receive only part of the pension and are still subject to means-testing. The reform reflects the principle of shared responsibility, that the retirement costs of a person should be shared fairly between the countries where a person has lived or worked during their working life. In such cases there is also an expectation that a person, through periods of time living or working in another country, will be eligible to receive a pension from that country. So Labor is definitely supporting that measure.

The legislation also makes changes to the Pension Bonus Scheme. In 2009 the Labor government's pension review found the Pension Bonus Scheme did not encourage older Australians to remain in work. The review also found that pensioners thought the scheme to be too complex and inflexible. So back in 2009 the Labor government closed the Pension Bonus Scheme and replaced it with a more targeted and effective seniors work bonus to encourage older people to continue working. Thousands of age pensioners who are working part time or in sessional jobs are better off now because of Labor's work bonus for pensioners. Many senior Australians choose to undertake seasonal work, so Labor's work bonus has enabled many age pensioners to keep more of their fortnightly pension when they work in this way. The work bonus allows age pensioners to earn up to $250 a fortnight from employment without it being considered income under the pension test. This is on top of the income-free area. When we closed the Pension Bonus Scheme, however, we left it open for people who qualified for the Pension Bonus Scheme before 20 September 2009 but who had not
registered by that date. These people were able to backdate their registration if they had been working since then and had not received the age pension. This legislation brings to a close late registration for the Pension Bonus Scheme. From 1 March 2014 people will no longer be able to register for the Pension Bonus Scheme. Eligible people can still register for the scheme before that date. Again, that is a sensible proposal and we support it.

I turn now to the measure in the legislation which extends indexation clauses on higher income thresholds for family payments and family supplements. Labor believes in a strong family payment system that reflects the needs of modern Australian families. When we were in government we made responsible decisions over a number of budgets to better target family payments. We did this by targeting assistance to low- and middle-income families who need the most support. In the 2009-10 budget we announced a number of indexation pauses on higher income thresholds. We believe that to be a very sensible reform to limit the growth in family payments at the top end and make them sustainable for the future. Today in this bill the government is seeking to extend those pauses on higher income thresholds and we support the measure.

The legislation also makes changes to the rules for receiving payments overseas and enables changes to limit the amount of time that people can be overseas and retain access to Australian payments. Currently, families living overseas can continue to receive family and parenting payments for up to three years. This legislation amends that to a maximum of 56 weeks, and Labor supports that measure. The legislation also extends deeming rules to account based income streams. This was a measure proposed by Labor in April this year and we will support it again today.

The government has several other amendments and measures in this bill, some of which Senator Siewert has spoken very passionately about. The first of these is the proposal to charge interest on certain welfare debts. While Senator Boyce was a bit sceptical about why that would be stressful, the students already on income support who would be caught by this measure are receiving Austudy, youth allowance and Abstudy and are already doing it tough trying to meet the costs of their education. We see this as a very mean-spirited reform and we will oppose it. People on welfare benefits are already pretty vulnerable and they do not need further punishment. We believe they need support. We have heard the government's arguments about that.

Another measure in the legislation is the extension of the freeze on indexation of the upper limit of $7,500 on the annual childcare rebate. Labor will oppose this measure as well. We have been strong supporters of increased support for Australian families struggling to meet the costs of child care. When we were in government we increased the childcare rebate from 30 per cent to 50 per cent and we increased the annual cap from $4,354 to the current limit of $7,500. While we proposed the savings measures that are in this legislation, the fact is that the savings were to go directly to support the $300 million Early Years Quality Fund. As the government have put a freeze on this fund, they are left with no justification for pursuing $100 million in cuts by freezing indexation to the upper limit of the childcare rebate, so we are not supporting that change.

The Paid Parental Leave scheme change proposed in the legislation, seeking to remove the role of employers in administering paid parental leave and giving that function entirely to Centrelink, is one we have great concerns about. Since its introduction the scheme has been
administered in part by employers. When we designed the Paid Parental Leave scheme the employer role was included in order to help employers retain their skilled staff. It was also a way of enabling people, especially women, to remain connected to work and their careers while they were taking time out of the workforce to have a baby or to adopt a child. But, as the scheme progressed, we listened to business and understood that in tough economic environments small businesses needed to be able to devote their scarce time to adapting and thriving in a changing economy. That is why, for the 2013 election campaign, we adopted a position of allowing businesses with fewer than 20 employees to streamline administration and to have Centrelink make the payments to employees on parental leave. We believed that to be a very sensible balance between the need for employees on parental leave to maintain a relationship with their employer and the need to give small business the option of having their paid parental leave administered by Centrelink. This legislation today takes it a step further, completely abolishing the role of the employer in administering paid parental leave. Our view is that that does not strike the right balance.

Another of the measures before us today that I have not mentioned yet is the eleventh-hour inclusion of the postponement of the implementation of the Charities Act 2013 from 1 January to 1 September 2014. This is quite an extraordinary move by the government, taken at the eleventh hour, as I said, and with no explanation except to say that it would allow the government time to consult charities law experts on winding back the ACNC and the possible establishment of a national register.

As I said the other night when I was speaking about this, this is a nonsense. This has been going on since the Howard government introduced the Charities Bill after the inquiry in 2001. We have had nearly 20 years of debate, starting with the Industry Commission in the nineties, about how charities should be governed in Australia, how we can strengthen transparency and governance standards and how we can actually build community trust and confidence in our charitable sector, which is now one of the largest employment sectors in Australia.

But this government, in trying to slip this one in at five minutes to midnight, is creating some very serious unintended consequences in this amendment bill, the first of which is to do away with the four particular definitions of charity that were included that are not in the common-law definition. This has been thrashed out across the world and across Australia and New Zealand for the last 10 years. The definition that was finally achieved in the Charities Bill is one that has come from Australia's best charity law experts, following a very significant charity laws conference that was held in Queensland in 2010.

The consequence of not including the Charities Act to enable it to begin on 1 January is very important. The first consequence is that, if there is a natural disaster such as the bushfires or floods that we have seen over several summers, we are creating exactly the same problem that we tried to address after the Victorian bushfires, because of those community organisations that lost community assets but did not have any kind of deductible gift recipient or tax status. They are small community organisations with assets, and there is no legal capacity to provide money to them from philanthropic funds, whether they be public philanthropic funds, funds raised by a national campaign or private philanthropic bodies. Philanthropic bodies, under the law, cannot give to an organisation that is not registered with the ATO and the ACNC for DGR status. That is the first problem.
The second problem that we had to deal with was the issue of Indigenous organisations which are based around family groups and which would not be perceived, under the current legislation, as being wholly of public benefit. That is a reality in many remote communities in Australia, where a large family and clan based organisation does not meet the requirements under the current arrangements for deductible gift recipient status. We need to fix that. There are many organisations trying to work with those communities who cannot actually engage and get their own tax-deductible considerations correct because of this anomaly.

The third is the issue of advocacy, and we have canvassed this—the notion that promoting a change in government policy, advocating for government policy change, is a legitimate role for not-for-profit organisations seeking DGR status. Political activism is excluded from the definition, but there are organisations such as environmental organisations, preventive health organisations and arts based organisations which are looking to advocate for change in government policy. That is a charitable purpose under the Charities Act. We will eliminate that right again in this bill.

We on this side of the chamber have deep reservations about many of the measures that are very unrelated that have been cobbled together into this omnibus bill and introduced here in these last days of the parliament. We believe that there is a much more sensible way to go about this, but we know this is very ideologically driven. This is part and parcel of laying the way for the Commission of Audit findings. We are going to see a massive number of cuts across the board for portfolios which are all going to be dealing with the issues and the fallout of these kinds of measures. The government is pushing this through. The opposition are not supporting all of the considerations that are in these measures, and we will be voting accordingly.

Senator RHIANNON (New South Wales) (13:34): I support the comments of my colleague Senator Rachel Siewert in the way that she outlined both the serious problems with what the Social Services and Other Legislation Amendment Bill 2013 intends to do if it is passed and also the process by which it has been brought forward here. I want to particularly address the issue of start-up scholarships and what the government plans to do with those. Converting these scholarships to loans for university students is just one aspect of this bill that, if adopted, would really result in inflicting hardship on many disadvantaged people. It would increase student debt by about $1.2 billion over the forward estimates.

We already know that student debt has risen by about 30 per cent over the past six years. We already have a problem here, and the government would further compound it. Part of the plan of the federal government to push higher education costs onto individual students really needs to be named for what it is. It is a way of government cutting costs and piling hardship onto people who have a right to go to university and who can contribute enormously to our society, but we know that many of them will be turned off when they start thinking about the debt that they could well incur.

This idea of converting student start-up scholarships to loans was originally a Labor plan. We remember back in April—it was a Saturday—when the former minister, Dr Emerson, brought forward a plan to cut $2.3 billion from the higher education budget, and $1.2 billion of that $2.3 billion was to come from these start-up scholarships being converted to loans. It is good news that Labor has dropped that damaging policy. For achieving that, I pay tribute to the strong community campaign, which has been strongly backed by the Greens, the National
Tertiary Education Union and the National Union of Students, and many other organisations have been very vocal and active and have certainly helped bring some change. It is change that we need to continue working for, to ensure that this bad policy does not end up in law.

The clear message here is that we should be working to decrease student debt, not increase student debt. When I have been engaging with people who work in the sector, various university academics and also management, they have shared many worrying stories about what this can mean for students and what is already happening. Again, I have to say at this point how disappointing it was that the inquiry into this aspect of the bill was so rushed. But there was some useful information that I wanted to share with senators because it helps highlight the level of hardship that will result if we go down this track.

There was a report out in July by Universities Australia on students living in poverty and struggling to cope with increasing debt—again, something that signals the real problems that we should have with this legislation. If this $1.2 billion is effectively cut from the higher education budget, it will impact on about 80,000 new students from next year. The policy will drive up student debt even further, particularly—and this is certainly the theme of what I am talking about today—putting more and more of the burden on those who are disadvantaged. The report from Universities Australia estimates full-time students will graduate university with an estimated debt of more than $37,000. The government's damaging cuts will increase that debt by an average of $8,200 or 22 per cent for every student on youth allowance.

For the Greens, this is very troubling. It really is going in the wrong direction to again put this burden on students. In some of the stories I have been told I have heard about students missing classes because they are worried about where they are going to get their income and are looking for second jobs. There are even stories about sometimes going without food or adequate accommodation, which we know clearly impacts on their ability to study.

This is something that the Greens have looked at within specific areas across the country. In the work that I did with my colleague Adam Bandt, the member for Melbourne in the House of Representatives, we identified that in his electorate these cuts will affect an estimated 3,500 students enrolling in the University of Melbourne next year. It is projected that the debt increase in that seat alone will be almost $30 million over the next four years. Again, we have to look at the national figure of $1.2 billion down to specific areas like Melbourne with $30 million over the next four years and then consider what that means for students hoping to start their careers. There has also been some useful and timely information from the National Tertiary Education Union that is worth considering in the context of this debate.

It is worth pausing at this point and putting this in the context of the government's own policy on higher education. They do give great emphasis to accessibility and equity when you dig down into some of the documents. But what we have here in how this policy has been put forward is a real failure to address the affordability of university. That has largely been ignored. If people cannot afford to go to university then that accessibility and equity that so many people in public life pay lip-service to when they come to speak about higher education is not a reality. But we need to ensure that it is a reality.

As I said before, the cost of education and student debt has been increasing, and the government subscribes to the view that students are not averse to debt and that it is not going to impact on their decisions about their higher education pathways. This is something that I
heard many times when Labor were in office and now we hear it from the coalition. There is increasing research that is showing that that generalisation about the impact on students is really quite misleading. There have been some very useful studies done in this area. One that I would like to refer to was undertaken in 2003 by Dr Kerry Carrington and Angela Pratt into high school students' assessment of the impact of the cost of a university education. Some of these figures I found very alarming, particularly because of the views of young women. The report found that 41 per cent of lower socioeconomic-status females reported that they believed cost may make university impossible for them. Interestingly, the young men in this study who believed that came in at 34 per cent, compared with the 41 per cent I mentioned of young women. Similarly, 43 per cent of females surveyed from lower socioeconomic backgrounds believed their families could not afford the cost of supporting them through university.

Again, these decisions are very significant and this can really turn young people away at that critical stage of making that all-important decision about going to university. Remember, the people we are talking about here, these young men and women, in the main are from families where nobody has been to university. It is the first time anybody in their family has made that step. It is a big one. They need to be confident that they are not going to incur massive debt. Many people from disadvantaged backgrounds and working class backgrounds do not want to start off life with debt, and these studies are reiterating that. The study concluded that women from lower socioeconomic backgrounds are more sensitive to the cost factors of education and consequently more debt averse than their male counterparts.

This doubt over the whole notion that students are not influenced by the cost of education has been taken up more widely. I want to make reference to another report, because I think we need to put to bed this notion that loading up students with a lot of debt really does not matter. This was research commissioned by the department of education in relation to the federal government's base funding review. This study was called The impact of changes to student contribution levels and repayment thresholds on the demand for higher education. It came out in 2012. The report forecast a reduction in higher education student demand—that is, the number of students—should government policy result in an increase of HECS debt. So there is very clear and very solid research that has been done in this area. The government may wish to claim that the proposed changes to student start-up scholarships will not impact on existing scholarships, that they will not determine their decisions about their future education, but there is more and more evidence that that position is really very deceptive.

It is worth looking again at examples of the different ways in which the HECS-HELP debt is playing out. A student eligible for income support enrolling in a five-year law degree commencing in 2014 who is not in a position to pay his or her HECS up-front will incur a HECS-HELP debt of about $50,000 in tuition fees. Should that young student also elect to take up a student start-up loan for the whole five years of their study they will incur additional debts of approximately $10,000 to their HECS-HELP debt. That means that this student, starting off on a law degree, obviously with great hopes of what their career could hold for them, would graduate with a debt of more than $60,000—in 2013 values—which is 20 per cent higher than the debt of a student who does not take up a start-up loan. This is clearly going to be a deterrent. It is very destructive both because it loads up students with debt and
because of the fact that it can deter young people from even choosing to go down the path of obtaining a higher education degree

The provisions of this bill directly target students from disadvantaged backgrounds. We have clearly established that. The only students eligible to convert student start-up scholarships to loans are those eligible for some form of student income support in the form of youth allowance, Austudy or Abstudy. It is worth remembering that Austudy and Abstudy debts are targeted by the provision of the bill that allows for interest to be charged on these debts. So we see again that it is focusing on the most vulnerable cohort of students. That particularly means Indigenous students. That is a huge group of students who will be hit with this increased debt. We do not know how it will play out, but from the research from 2003 and 2012 that I quoted earlier you have to think that Indigenous students would form a large part of those young people who may be deterred from deciding to take on higher education.

The National Tertiary Education Union has concerns about the level of Higher Education Loan Program—this is what is often called HELP. Some students accrue HELP debts in obtaining a university degree. According to the latest budget forecasts, the number of students with a HECS-HELP debt will rise from 448,800 in 2012 to 555,300 in 2016-17. That is an increase of more than 106,000 students, or about 24 per cent. Over the same period, the average level of HECS-HELP debt per student is forecast to increase from $16,000 to $19,500, which is a 21 per cent increase over four years. That burden is being put on the people who are already doing it tough, people who have probably set out on their higher education course with not many people around them who have done similar study. Their brothers and sisters may not have set out on that; their parents may not have gone down that path; and they have taken a big step or they are thinking about taking the big step. Then they start doing the figures, and that is what they come up with.

The latest published data shows that Australian university students currently owe in excess of $26 billion in outstanding HELP debts. The NTEU estimates that the total level of outstanding debt is growing at a rate of some $500,000 per hour and will exceed $50 billion by 2016-17. That becomes very relevant for the Commission of Audit, which we know the government is using to push a very clear agenda. The government estimates that the total value of start-up scholarships will be $342 million over four years. It is interesting to see the referral of the securitising of the level of outstanding HECS debt to the Commission of Audit. It clearly highlights the importance of this level of outstanding debt, that it is a serious policy issue for all of us. The government apparently wants to look at it, but at the same time is ready to increase it mightily. The magnitude of this debt needs to be seen in the light of Commonwealth debt, which is in the order of $175 billion. So Commonwealth government debt is coming in at $175 billion and the government estimates that the total value of start-up loans will be about $342 million over the next four years. That is a very significant part of what we are seeing.

The introduction of this bill, as I have set out, will have a considerable impact on students, particularly those who are most disadvantaged. That is the key takeaway message from that aspect of this legislation. It really is going in the wrong direction. We should have had a new federal government that had the courage to put in place the clear recommendations from the two major reviews that the Labor government initiated—the Bradley review and the Lomax-Smith review—which identified that we needed a very clear increase in base funding. When
the Bradley review first came down it identified that there needed to be a 10 per cent increase in base funding and that if that did not occur immediately standards would drop.

We are many years down the track. We have had a further Lowmax-Smith review making very similar recommendations. You can see from the government that they have no intention of following through on those clear recommendations. I acknowledge they were not inquiries by this government, but their recommendations are certainly highly respected and have been welcomed by the sector. They give clear advice on what a wise government, committed to ensuring that Australia is an innovative and well-educated nation as we move further into the 21st century, would do. This can only be achieved by having well-funded universities, where staff are able to take forward the very extensive work that they need to do in research and teaching. That injection of funding was absolutely critical. What we are seeing from the government is that they want to take us down the path of pushing more financial burden onto students rather than doing the right thing and ensuring that the government pay for it.

Senator HANSON-YOUNG (South Australia) (13:53): I rise to speak on the Social Services and Other Legislation Amendment Bill 2013. As we already know, this is a cobbled-together bill of various issues and various amendments to different acts. It is effectively 'the bill of bad surprises' for the Australian people.

There are really not very many good things in this bill. Of course, it is no surprise that the federal government has put them all in together, whether it is backflipping on gambling reform, ripping money away from students or, indeed, ripping money out of the pockets of parents with a freeze on the childcare rebate indexation. And it is being done in a way that does not give much time, much information or much notice to the Australian people that the federal government wants to act so recklessly on issues that impact directly on people's lives. It is only two weeks before Christmas and I assume that the federal government believes that no-one is really paying any attention to what is going on in this place today. It is all very unfortunate, because the money that will be ripped out of parents' pockets because of this piece of legislation is significant.

I want to talk specifically in relation to the freezing of the indexation on the childcare rebate. This effectively means less money going back to parents once they have paid their childcare fees. Most families will be really shocked and surprised that the coalition, who had previously not supported a freeze on the childcare rebate indexation are now legislating for it and in a way that is sneaky; it is being done in a way that is trying to avoid scrutiny. The government would like this all done today, ticked off—and we can all go home. It is a case of: 'Oh well, those poor parents will find out sooner or later that they are not getting the rebate for their childcare fees.'

On a conservative estimate, the number of families which the freezing of the indexation would impact on is 150,000 across the country. That is a lot of families. That is a lot of the childcare hours. The government went to the election saying that they were concerned about the cost of child care, that they were interested in listening to the views and concerns of parents in relation to the cost of affordable and quality child care, yet here we are, five minutes to midnight, and the coalition is introducing legislation that they are trying to ram through the parliament that takes money away from families and makes child care more expensive.
The Greens will not be supporting this move. We will move amendments to this legislation to remove the freezing of the indexation, because it is wrong. Not only is it wrong because no-one had been told that the government wanted to do this; it is wrong because we know that childcare costs have increased by an average of seven per cent over the last couple of years and the freezing of the indexation of the childcare rebate will take the rebate back to the level it was in the 2008-09 financial year. It begs the belief that the coalition are happy to rip thousands of dollars out of the pockets of families in order to get this legislation through. It is all because the coalition have no means of revenue raising. They have a huge black hole. They are spending $11 billion on locking up children in Nauru, yet here in Australia they are telling parents that they are about to take thousands of dollars out of their pockets by freezing the indexation on the childcare rebate. What gall the coalition have! They went to the election saying that they would work hard to deliver affordable child care, and they have not delivered.

Senator Heffernan: Mr President, I rise on a point of order. You have not got your facts right. Last year there was $3 trillion in tax avoidance and transfer pricing; $3 trillion of tax avoidance on your watch!

The PRESIDENT: Senator Heffernan, you are arguing the issue. That is not a point of order.

Senator HANSON-YOUNG: I think it is absolutely appalling that this government want to rip thousands of dollars out of the pockets of families this close to Christmas, and they are absolutely assuming that no-one knows what is going on. They want to ram this piece of legislation through. What happened to helping parents afford child care? With a seven per cent increase in childcare fees across the country, taking thousands of dollars out of the pockets of families is unfair, and it makes you wonder: is Tony Abbott really the Grinch of Christmas?

The PRESIDENT: Order! You need to refer to people in the other place by their correct title. Senator Hanson-Young, you still have 14 seconds left on the clock.

Senator HANSON-YOUNG: Another time.

Debate interrupted.

BUSINESS

Rearrangement

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:00): I seek leave to move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today.

Opposition senators interjecting—

The PRESIDENT: Order!

Honourable senators interjecting—
The PRESIDENT: Order on both sides! Senator Abetz has sought leave to move a motion. Is leave granted?

Leave not granted.

Senator ABETZ: Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent me moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to vary the hours of meeting and routine of business for today.

The Australian people rightly expect the Senate to deal—

Honourable senators interjecting—

The PRESIDENT: Senator Abetz, please resume your seat. On both sides, it is no use arguing across the chamber.

Senator ABETZ: The Australian people rightly expect the Senate to deal with the urgent legislation before us. The ALP-Greens tactic of stalling, spoiling and outright sabotaging the government's legislative agenda is an abuse, the likes of which this chamber has not previously witnessed. The legislation the government seeks to have passed on behalf of the Australian people is legislation for which the Australian people voted: repeal of the job-destroying and household-budget-blowing carbon tax, a carbon tax that is killing the manufacturing sector of this country and blowing a $550 hole in household budgets. We also seek the repeal of the mining tax, which is stifling investment and jobs growth. With today's announcement that unemployment is at 5.8 per cent, the need to implement the coalition plan to reboot the economy and clean up Labor's mess is more urgent than ever. Vital legislation for which we have a mandate, like for the ABCC and the Registered Organisations Commission, is being deferred to committees that do not even deal with legislation by the ALP-Greens alliance, to dates well into next year, such is their sabotage.

Honourable senators interjecting—

The PRESIDENT: Senator Abetz, you should resume your seat, because you are entitled to be heard in silence—on both sides. Senator Abetz.

Senator ABETZ: The carbon tax, which is so bad that Labor promised we would not have one in 2010 and so bad that they said they would abolish it in 2013, is being kept alive by that very same Labor Party's tactics in this chamber. Those opposite know that Mr Rudd and Mr Marles were right—that the right thing to do is to repeal the carbon tax. But they cannot acknowledge the will of the Australian people. For this chamber to break for Christmas without resolving vital legislation, which includes budget savings to staunch the haemorrhaging budget we inherited from Labor—savings that we bravely and honestly put to the Australian people before the election and which the people of Australia voted for. And do you know why they voted for it? Because they knew $732 million would need to be borrowed from overseas which the next generation would need to pay back, with interest. That is why they voted for us. Here we have Labor stifling, stalling and sabotaging our savings measures, some of which they themselves put forward during the last election. The savings measures are vital. The Labor-Greens games in this place are the metaphorical middle-finger salute to the Australian people and to Australian democracy. Let us be perfectly clear—

Senator Conroy: Do not mention Holden, whatever you do! Waste time so we do not have to talk about Holden! Seriously!
Senator ABETZ: I have heard some of the interjections from the other side. I can indicate that we will have a full one hour of question time, and you can ask every question you like in relation to the situation at Holden. But it is vital that this legislation be passed. So let us be very clear: every single measure on which we seek the Senate's concurrence—and, if not concurrence, then at least a vote—was fully and clearly articulated by us well before the election. Indeed, the Greens campaigned against all these measures and their vote collapsed by one third. The Labor Party campaigned against these measures and were defeated, despite the fact that they actually did support some of these measures—including the abolition of the carbon tax. So, bizarrely, the Labor Party that actually supported some of these measures is now using the tactics of spoiling, stalling and sabotaging to ensure that the policies they took to the election will not be passed and carried or determined by this chamber.

The Australian people have a right to expect that the very clear policies of a government should be considered and, as a minimum, voted on by this Senate. We say to those opposite: we will sit here until Christmas to have these matters determined because they are so vitally important and so vital for the national interest—issues on which we campaigned and won.

(Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (14:08): This is the extent to which this government does not want to talk about loss of workers' jobs. This is the extent to which this government will go to avoid facing up to the sabotaging of Holden that has occurred under this government. This is question time, ladies and gentlemen of the Senate. This is question time—when the government of the day answers questions from the opposition and from the crossbenchers about important issues. It is a day after thousands of workers and their families in this country faced the extraordinarily sad prospect of not being employed in safe and secure jobs in which they had been employed for years, and what does this government want to do? It wants to pull a stunt in question time so they can change the subject. Well, I tell you what: workers and their families across this country are alive to you. They know what you are doing. They know you do not want to come in here and face the music. They know you do not want to come in here and answer questions such as these. You do not want to come in here and answer questions about the $500 million that you took out of the car industry prior to 2015. You do not want to come in here and answer questions—

Honourable senators interjecting—

The PRESIDENT: Order!

Honourable senators interjecting—

Senator Heffernan: Mr President—

The PRESIDENT: Order! Wait, Senator Heffernan. I will not give you the call when there is shouting across the chamber. It is disorderly. When there is quiet I will give you the call. Order!

Senator Heffernan: Mr President, I rise on a point of order. My understanding is that question time for an hour follows this debate, so the leader is misleading the parliament.

The PRESIDENT: Order! That is not a point of order. That is a debating point, Senator Heffernan.

Senator Heffernan: Question time follows this debate.
Honourable senators interjecting—

The PRESIDENT: Order! As I did for Senator Abetz, I am asking for silence on both sides.

Senator WONG: The reality is: this government sought, when it comes to the car industry, to not only take $500 million out between now and 2015 but provide it with nothing other than uncertainty beyond 2015. In this last week we have seen in this parliament this government sabotaging Holden through the leaking of senior economic ministers, followed by the Treasurer of the country goading Holden and daring them to make a decision, and the Acting Prime Minister demanding that they make a decision ahead of your review. As to why you are doing this today, let everyone be clear: this is a stunt to change the subject. We know that if you had been really serious about managing this debate properly, you would have done so. But you did not. You have mismanaged your program. And instead of Senator Abetz reflecting on the way in which he and the government have managed their program, he comes in here instead to undertake a stunt, to try and show, presumably to the Prime Minister's office and other people: 'No, we are really trying to get it through. We really are.' I think the example was when we had one of their own senators, Senator Macdonald, taking up government business time to move an amendment to one of their own committees and using the debating time to have a go at the Prime Minister's office. Do not come in here and tell us that you have managed your program well. We know what has happened in here. You have mismanaged the program—

Opposition senators interjecting—

The PRESIDENT: Order! Those on my left: Senator Wong is entitled to be heard in silence. Order!

Senator WONG: The facts are: this is nothing more than a stunt to try and have Senator Abetz demonstrate to the powers that be in the Prime Minister's office that he is really trying to do what they asked him to do because, frankly, the way they have managed the chamber, the way they have managed the debate, the way they have failed to manage the contributions by their own senators has meant they are now in a position where they want to put in place a gag and a guillotine. That is what they do. They want to put in place a guillotine. They want to manage debate so there is not proper debate.

Senator Abetz interjecting—

Senator Fifield interjecting—

Senator WONG: Can I make these points.

The PRESIDENT: Order! Others wishing to participate in the debate may do so.

Senator Abetz interjecting—

The PRESIDENT: Order! Senator Wong, continue.

Senator WONG: I think Senator Abetz's own comments might be useful here. In March 2013 he said:

Can I repeat—repeat—and say very, very strongly on behalf of the opposition that we oppose any further adjourning of the Senate, because we believe these issues need to be ventilated, and ventilated fully.

He goes on to say:
They are treating this chamber in a most shameful manner.

We have a situation where, with virtually no notice, the Manager of Government Business moves to change the sitting hours—

... ... ...

... when it comes to the management of this place the safest and most respectful pair of hands to manage the Senate is not the Green-Labor alliance ... we actually do respect this place.

We know that what is happening on that side is a government that has mismanaged its program and does not want to talk about Holden workers. *(Time expired)*

**Senator MILNE** (Tasmania—Leader of the Australian Greens) (14:15): I rise to say that the Greens will not be supporting this motion from Senator Abetz. It has been a stellar performance from Senator Abetz but it is very clear to me that, if the Greens and Labor had suddenly supported this, the blood would have drained out of the faces of the government because they have all got their tickets booked. They are already on planes. They have mentally left this place already, and they would just freak out beyond all measure. We all know that.

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Senator Milne, resume your seat. If honourable members wish to debate this, then they are invited to speak in the debate and not across the chamber in a disorderly manner. Order!

**Senator MILNE:** Any journalist who had been watching this morning would have seen the cases rolling into the offices. They are packed and they are ready to go, and in fact it would be great to see if a journalist could go around and see on what date they are all leaving for their holidays. Let me tell you, all this talk about sitting for Christmas or sitting for the new year is no more than a performance.

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Senator Milne, resume your seat. Order! Honourable senators are doing themselves no justice by calling across the chamber in a disorderly manner—on both sides. Order!

**Senator MILNE:** Not only are we saving the government from themselves in this ridiculous performance, but the other thing we are doing is saving the Australian community from the fact that they want to repeal the mining tax to give their big mates in business a big Christmas present by not having to pay the mining tax. I am sure a lot of Australians will be very pleased that big business, the big end of town, has not been let off the hook.

*Honourable senators interjecting—*

**The PRESIDENT:** Order! Senator Milne, resume your seat. Senator Milne, continue.

**Senator MILNE:** As I was saying, we are saving the government from itself. Senator Abetz spoke about worrying about savings measures. Well, we are interested in revenue measures. We think it is appropriate that people actually pay their way in this country, and the big end of town do not want to pay their way. They cannot wait. They want you to sit here to get rid of the mining tax so they can maximise their fortunes. No doubt Gina Rinehart and others are on the phone saying, 'Come on; sit there until you get rid of the mining tax so that we can maximise our profits.' I can tell you, Mr President, there are a lot of people around the
country who do not want to see the mining tax go, because they believe that the big end of
town should pay their way in this country, and we intend to make sure that they do. In fact,
we should be raising the mining tax, not actually getting rid of it. We need to have the
revenue. We have got a revenue crisis in this country—and that is what we should be
addressing.

   Government senators interjecting—


   Senator MILNE: The Greens are not going to stand by and see this game being played. We
know it for what it is. In fact it is a waste of the Senate's time. It is half an hour that you
could be spending on the business of the Senate or half an hour bringing on an urgency debate
about the big issue of Holden closing down in this country and the future of manufacturing.
That would have been a useful thing to do for half an hour of the Senate's time, not half an
hour of this fake and false debate, as I said, just covering up for the fact that we know that the
ministers' officers are all ready to go and leave here the minute that the Senate finishes. So we
will not be supporting this motion. We think they should be talking about the things the
country wants to talk about, and that is how we future-proof the nation for these
manufacturing industries leaving us.

   Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-
President of the Executive Council, Minister for Arts and Attorney-General) (14:21): If the
Australian Labor Party were not in such deep denial about the result of the election not 14
weeks ago, then the carbon tax would be gone by Christmas.

   Opposition senators interjecting—

   The PRESIDENT: Order! Senator Brandis, resume your seat. Order on my left!

   Senator BRANDIS: Let me say it again: the carbon tax would be gone by Christmas if
the Labor Party were not in denial about the result of an election that took place not 14 weeks
ago.

   Opposition senators interjecting—

   The PRESIDENT: Order! Senator Brandis, resume your seat. Order on my left! Order!

   Senator BRANDIS: If the Australian Labor Party were prepared to honour the promises
that they themselves took to the election not 14 weeks ago, the carbon tax would be gone by
Christmas. Let it never be forgotten that the Labor Party tried to deceive the Australian people
at the recent election and actually said, 'One of our promises is to repeal the carbon tax.' We
have seen the flyer that Senator Louise Pratt distributed in Western Australia announcing, 'We
have repealed the carbon tax.' This is not just the policy that we took to the last election; it is
the policy that the Australian Labor Party represented that they were taking to the last
election.

   Lastly, if the Australian Labor Party and their Greens allies were prepared to do the work
that the Australian people sent them to Canberra to do, then the carbon tax would be gone by
Christmas and every Australian family would be, on average, $550 a year better off and
electricity prices would begin to fall. I think the Australian public would be appalled to learn
that it is just too hard for those opposite, the Labor Party and the Greens, to do one more week's work in Canberra before they go on Christmas holidays.

Let me remind you, Mr President, that this parliament adjourned at the end of June this year, and since we adjourned this is only the 10th day on which the Senate has sat to consider public business. We might ask ourselves: why is that? Because there was a political coup on the other side of the parliament. There was a leadership change that instated a new Prime Minister, Mr Rudd, and then there was a long election campaign and a change of government. If the Labor Party and the Greens get their way, we are going to adjourn today after only 10 days in the second half of 2013, and we will not be back for another nine weeks. Yet it is too hard for the Labor Party to sit.

Senator Cormann: You are lazy bastards!

The PRESIDENT: Senator Cormann, you need to withdraw that.

Senator Cormann: I withdraw.

Honourable senators interjecting—

The PRESIDENT: Order! It will help the conduct of this debate if senators on both sides refrain from calling across the chamber.

Senator Jacinta Collins: The first day of parliament was still a sitting day, you dill!

The PRESIDENT: If you wish to debate it, there is time in this debate still remaining. You are entitled to be heard in silence, Senator Brandis.

Senator BRANDIS: I heard Senator Collins's interjection. In fact, the first day was a day for ceremonial business. I said, 'to deal with public business and deliberation'. This is the 10th day on which this chamber has debated in the whole second half of 2013, but it is too hard for those opposite to give the government the opportunity to do what—

Honourable senators interjecting—

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

Senator BRANDIS: Everybody in this chamber knows that for nearly three years, since the former Prime Minister Ms Julia Gillard broke her promise not to introduce a carbon tax, we on our side of politics said, 'We will make the next election a referendum on the carbon tax.' That was the central issue in Australian politics for all of the last three years, and nobody can be in any doubt that, when we won the 2013 election, we won it on a promise, supported by the Australian people, to repeal the carbon tax.

As the first order of business, we introduced legislation to repeal the carbon tax. Now, on the 10th day on which this Senate has sat since the end of June this year, all the Australian Labor Party and their Green allies want to do is to go home, stop working and prevent the government doing what the people gave us a mandate to do—to repeal the carbon tax and to repeal the mining tax. You have contempt for the Australian public. You have contempt for the result of the election. You have contempt for your own role as legislators. Why don't you get out of the way and give the people what they voted for?

The PRESIDENT: There is time left in the debate. Senator Fifield, you have the call.

Senator Wong: What?
An opposition senator: We jumped!

The PRESIDENT: No-one jumped.

Honourable senators interjecting—

The PRESIDENT: Order! On my right and on my left, order! When there is silence, we will proceed. I looked to my left and I looked to my right. I saw no-one jump. There is time for two more speakers in the debate—two lots of five minutes. Senator Fifield.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (14:29): I doubt that there has ever been a more clear and more explicit commitment by a party going into an election than that of the coalition before the last poll in promising to repeal the carbon tax. I doubt that there has ever been an election commitment that has been more oft repeated by an Australian political party than the coalition's commitment to repeal the carbon tax. What we have seen from those opposite, for as long as this parliament has been sitting since the election, has been delay, delay, delay—and that delay has had only one purpose, and that has been to seek to subvert the will of the Australian people as expressed at the last election.

We are not seeking in this motion to gag. We are not seeking to guillotine. We are seeking to afford the Australian people the opportunity for their parliament to give effect to their will. The contrast could not be greater with those on the other side. We saw those opposite in the last parliament use the gag and use the guillotine on legislation that actually sought to breach a solemn election commitment—it sought to breach the commitment given by Prime Minister Gillard to the Australian people that there would be no carbon tax under a government that she led. The former government sought to gag and guillotine debate on legislation that sought to breach an election commitment. We are doing the exact opposite. We are seeking to extend the period for debate in order to see an election commitment given effect to in the form of the legislation before this chamber. I say again, we are not proposing a gag and we are not proposing a guillotine. Those opposite, in the last session of the last parliament, guillotined 55 bills. We are seeking to afford the opportunity for an election commitment to be given effect to. What we are proposing is that this chamber sit until the job is done.

Senator Wong: What time is your flight, Mitch?

Senator FIFIELD: It's tomorrow afternoon.

Opposition senators interjecting—

The PRESIDENT: Order on my left! Senator Fifield is entitled to be heard in silence.

Senator FIFIELD: We know those opposite find it so hard to break the habit of a lifetime. They only know how to work to rule. They are not prepared to sit longer. They are not prepared to work harder. We are prepared to stay until the job is done.

Opposition senators interjecting—

Senator FIFIELD: Quite frankly, you should have got the message from the Australian people at the last election. You should not be standing in the way.
The PRESIDENT: Order on my right! Senator Fifield is entitled to be heard in silence.

Senator FIFIELD: Those opposite should not stand in the way of the will of the Australian people being given effect to. We want to stay here until the work is done. Those opposite have used every procedure to delay debate. They have split the package of bills into 11 separate entities. We are barely halfway through consideration of the second piece of legislation.

Honourable senators interjecting—

The PRESIDENT: Order! For others wishing to participate in the debate there is an opportunity after Senator Fifield has finished.

Senator FIFIELD: We are barely through the third piece of legislation in the carbon tax package. Those opposite need to get out of the way. They need to afford this chamber the opportunity to do its job. We are not proposing that question time be dispensed with—far from it. Our motion is very deliberately and very specifically worded so that if the carbon tax legislation and other important legislation is not dealt with by eight o'clock—which we know it will not be—the parliament continues to sit. Question time will still happen. That important accountability mechanism will still be in place. All we are seeking to do is afford the Australian people the opportunity to have their will expressed in this place through having the legislation put to a vote. Now we know those opposite have indicated they will vote against every piece of legislation in the carbon tax repeal package. We know they have said that, but they need to do two things. They need to allow the parliament to continue to sit so that the legislation can be put through all stages. But they need to do something more than that: they need to change their minds and they need to get out of the way and they need to allow that legislation to be passed. Those opposite do have an opportunity to reconsider, and that opportunity is very shortly when they can support this suspension motion and when they can then vote for the subsequent motion that would allow the parliament to continue to sit. They should do so. (Time expired)

Senator MOORE (Queensland) (14:35): We are now seeing the government operating in a calm—

Honourable senators interjecting—

The PRESIDENT: Order! I ask that the exact same courtesy be extended to Senator Moore as I have asked for for other senators. Wait a minute, Senator Moore. You will get the call when there is silence.

Senator MOORE: We are now seeing the government operating in a calm, reasonable, adult way! We had the dress rehearsal for this motion yesterday. I should not have been surprised when it seemed to move through with just a vote by the parliament to give this chamber a chance to consider the motion, followed by an opportunity for an exchange of one-minute statements. I was surprised, and thought that the government had given the chamber the chance to decide which way we would go on this motion. But, no, that happened yesterday. We come back in today and the exact same motion is put up before us this afternoon; the same intent of the motion came through this afternoon. My response is the same.

As we said on this side, the sitting pattern is determined by the government. When we agreed to that sitting pattern, we said that we would not be agreeing to requests for extensions
of hours except in exceptional circumstances. Since we had that discussion, there has been no approach by the government putting their reasons to us about what they need to look at, explaining why things are so urgent or saying what they want to have done. That has not occurred. In fact, the attempts to talk about the schedule have been made by me when I have gone to see the Manager of Government Business in the Senate to look at what is happening. But, no, we have not had any discussions about the process they want to follow.

Senator Brandis talking about the lack of sitting days in this sitting pattern is surprising at best. We heard from senators earlier that we had the election a mere 14 weeks ago. The election happened; the result was known. People wanted to know when were we going to sit, when were we going to come back to Canberra to begin this session. We did not hear from the government; a discussion did not occur. In fact, the only time allowed for the Senate in this sitting pattern was three weeks, and one week of estimates. The government decided that sitting pattern. We have worked with that sitting pattern. We had a whole week of sitting last week and again, in a calm and reasonable and adult way, the government did not put before us the urgency they had.

As I said yesterday, the Senate considers each piece of legislation that comes before it. We look at the legislation. Every senator in this place has the right to consider the legislation and take part in the debate. So many times in the last parliament we sat and listened to every single member of the then opposition make the same speech over and over again—in fact, all of us on this side knew the content of that speech and we could have said it over and over again—but every senator had the chance to take part in the debate.

The sitting pattern is determined by the government. The government has the right to organise the business of the sitting pattern. We have gone through the debate as presented to us. We had the offer yesterday for a change of hours. That was voted on by this chamber, and it was defeated. Today we have the same proposal to sit beyond eight o'clock to fulfil all of the bills listed by the government. This had not been taken to us before it was moved. We do not think that is adult, we do not believe it is reasonable and we certainly do not believe it is calm management of this chamber.

Senator Fifield: In that case we'll do it again in five minutes and you can agree!

Senator MOORE: Senator Fifield, it is the right of the government to bring that forward in your calm, reasonable and adult way. And then this chamber will look at the proposal and see what we need.

We are going through the schedule we have in front of us; we will continue to work with that. This morning, when there was another chance for the government to bring forward an hours motion, it did not happen. It was not put on the red to say this was going to happen today. What has happened instead is we have been going through the red and when we came in for question time, instead of moving into question time, we have been hit with another attempt to change the hours. Mr President, that is not the way business is done in this place. And then to turn around and accuse people across the chamber and say that senators in this place are lazy and are not taking their job seriously is but a pretence and does not reflect well on any member of this chamber. (Time expired)

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

The Senate divided. [14:45]
(The President—Senator Hogg)

Ayes ...................... 31
Noes ...................... 36
Majority ............... 5

AYES

Abetz, E
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Kroger, H (teller)
Mason, B
Nash, F
Payne, MA
Ruston, A
Seeljia, Z
Smith, D

NOES

Bilyk, CL
Cameron, DN
Collins, JMA
Dastyari, s
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
Milne, C
O'Neill, DM
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Tillem, M
Waters, LJ
Wong, P

Brown, CL
Carr, KJ
Conroy, SM
Di Natale, R
Faulkner, J
Gallacher, AM
Lines, S
Ludwig, JW
McLucas, J
Moore, CM
Peris, N
Pratt, LC
Siewert, R
Stephens, U
Thorp, LE
Urquhart, AE (teller)
Whish-Wilson, PS
Wright, PL

PAIRS

Back, CJ
Macdonald, ID
Seullion, NG

Bishop, TM
Marshall, GM
Hogg, JJ

Senator McEwen did not vote, to compensate for the vacancy caused by the resignation of Senator Joyce.

Question negatived.
QUESTIONS WITHOUT NOTICE

Automotive Industry

Senator FARRELL (South Australia) (14:48): My question is to the Minister representing the Prime Minister, Senator Abetz. I refer to the minister's answers yesterday in which he dismissed the need to provide assistance for redundant Holden workers and their families. What assistance will the government provide to the 2,900 Holden workers who will lose their jobs when the company ceases manufacturing operations in Australia?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:49): I did no such thing and I categorically rule out that false assertion made by Senator Farrell. Indeed, I specifically referred to Job Services Australia being made available and the government considering working together with stakeholders to ensure—

Opposition senators interjecting—

Senator ABETZ: So I categorically reject this attempt by Senator Farrell and the Labor Party to play this very dirty game of misleading this place in circumstances where they either know and are doing it deliberately or are unwittingly doing so. Either way it is a disgrace!

Opposition senators interjecting—

The PRESIDENT: Order! Those on my left! Senator Abetz is entitled to be heard in silence.

Senator ABETZ: At the time I also indicated that the best form of support for any worker was a good, sound economy. That is what the motion that we regrettably just defeated was all about—putting in place the necessary policies to be able to reboot the economy and ensure that we can create jobs. I repeat: I completely and categorically reject the assertion made by Senator Farrell.

Senator FARRELL (South Australia) (14:51): Mr President, I ask a supplementary question. What assistance will the government provide to the companies that supply components to Holden? What assistance will the employees of these companies receive?

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:51): As a former shadow industry minister, I am fully aware that potentially there will be greater job losses in the component sector of the automotive area than just—and I do not say this lightly—at Holden. There will be, chances are, even more job losses and those job losses will be in the small and medium enterprises. We are very conscious of that and that is why the Prime Minister and the government, with Mr Macfarlane, will be working through a strategy to ensure that we get—

Senator Kim Carr: You didn't have one! Before you launched an attack on them you didn't have a strategy?

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

Senator ABETZ: Regrettably, many thousands of Australians will lose their jobs as a result of a board in Detroit making decisions. (Time expired)

Senator FARRELL (South Australia) (14:52): Mr President, I ask a further supplementary question. What assistance will the government provide to Holden dealers
around the country that are affected by the company's decision to scale down its operations in Australia? What assistance will the employees of these companies receive?  

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:53): Once again, as I said yesterday—and I remind the honourable senator of this: if you want to get a plan in place, you go about it in a methodical, purposeful, considered manner. We have seen the debacle of pink batts, we have seen the debacle of the Building the Education Revolution—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Abetz is entitled to be heard in silence. When there is silence we will proceed.  

Senator ABETZ: A board decision was made in Detroit—in relation to not only Australian manufacturing but worldwide manufacturing, where they have pulled out of other countries as well. Believe it or not, I do not think that was a result of media speculation in Australia. Having said that, Holden have done right thing by giving the nation notice that they will cease manufacturing in Australia by 2017. As a result, there is time to get a strategy in place to ensure that displaced workers are properly looked after, and that is our intention. (Time expired)  

Broadband  

Senator SMITH (Western Australia) (14:54): My question is to the Minister for Finance, Senator Cormann, in his capacity as shareholder minister for the National Broadband Network. Can the minister advise the Senate what NBN Co.'s strategic review has discovered about the true state of the National Broadband Network?  

Senator CORMANN (Western Australia—Minister for Finance) (14:55): I thank Senator Smith for the question. Today, for the very first time, the Australian people have the real facts about the true state of Labor's NBN. Those facts are ugly—very ugly. They are much more ugly than—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Cormann is entitled to be heard in silence.  

Senator CORMANN: Thank you, Mr President. Those facts are ugly—much more ugly than Labor ever let on to the Australian people before the last election. Minister Turnbull and I asked the new leaders of NBN Co. to come clean with taxpayers about the time and money needed to finish the NBN project under the policies of the discredited former minister for communications.  

Senator Conroy interjecting—

The PRESIDENT: Order! When there is silence on my left, I will call Senator Cormann.  

Senator CORMANN: Senator Conroy does not like to hear the facts. The strategic review into NBN reveals that the cost of completing the NBN would soar to $73 billion—a staggering $29 billion more than we were ever told by Senator Conroy. Revenue to 2021 would be a staggering $13 billion less than asserted in NBN Co.'s most current corporate plan. Barely two in every 10 Australians would receive the NBN by 2016 and almost half would still be waiting by 2019. Australian households would pay up to 80 per cent more for broadband. The NBN would not be completed until 2024, which is 3½ years later than the
completion date in the current NBN Co. plan. Remember Labor's promises in 2007? National broadband would be finished by 2013. It would be building partnerships with the private sector; it was going to cost taxpayers $4.7 billion. Every fact asserted by Senator Conroy and Labor about the NBN has been proven false.

Senator SMITH (Western Australia) (14:58): Mr President, I ask a supplementary question. Can the minister explain how the government's NBN will better protect the interests of Australian taxpayers?

Senator CORMANN (Western Australia—Minister for Finance) (14:59): Under Labor, the NBN was ordered to roll out a technology hand-picked by Senator Conroy—regardless of cost. Senator Wong was a shareholder minister but she clearly did not have the strength to stand up to Senator Conroy in relation to this fiscally irresponsible and reckless approach. It is extraordinary.

Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator CORMANN: This government, in contrast, is setting up a hard limit of $29.5 billion of capital we will contribute, and we have freed up NBN Co.'s management to choose the most cost-effective technologies to deliver the network. That is the only responsible way to complete this project. It is the responsible way to protect taxpayers—something Senator Wong never did. She just let Senator Conroy run amok and waste money.

Senator SMITH (Western Australia) (15:00): Mr President, I ask a further supplementary question. Can the minister tell the Senate whether Labor's NBN could have remained off budget?

Senator Conroy: Forty billion dollars for 25 megs. You are a laughing-stock.

The PRESIDENT: Senator Conroy, you have been repeatedly interjecting. It is disorderly.

Senator CORMANN (Western Australia—Minister for Finance) (13:01): Senator Conroy is clearly embarrassed by the revelations in the NBN strategic review today. Reducing the price tag of the NBN is not only responsible; it is also the only way to credibly keep this project off the budget expenditure statement. Labor claimed its NBN was commercial and that they were building a valuable asset. The strategic review makes it clear that Labor's NBN was a commercial disaster. It is expected to deliver returns below the rate of inflation. If the project continued on the same Labor trajectory, it could not credibly be kept off budget. The strategic review exposes the Conrovian fantasy. Today the Conrovian NBN fantasy was exposed once and for all. (Time expired)

Automotive Industry

Senator KIM CARR (Victoria) (15:03): My question is to Senator Ronaldson, the Minister representing the Minister for Industry. On what date did the government receive the business case from Holden outlining the co-investment the company required to maintain its manufacturing operations in Australia? Did that business case confirm the company needed less than $150 million a year to guarantee continued manufacturing until the middle of next decade?
Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:03): I am not aware whether there was a business case delivered, and quite frankly I am not prepared to concede that Senator Carr is right or wrong. I have no further comment to make.

Senator KIM CARR (Victoria) (15:04): Mr President, I ask a supplementary question. It is truly extraordinary, Minister, that you are not aware of such an important matter. I ask you this: did the Prime Minister meet with Holden to discuss its business case? If not, why not?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:04): I am unaware of whether the Prime Minister has met with them. That is a question that the Minister representing the Prime Minister might be able to answer. What I do know is that Minister Macfarlane met on a number of occasions with Holden. I understand, indeed, Minister Macfarlane will be meeting with Toyota.

But I suppose the real question here is: did Senator Carr, when he was the industry minister, speak to Holden prior to the cabinet meeting on 16 July, when he imposed a $1.8 billion slug on the automotive industry with the FBT? Did he indeed go to the industry and say, ‘I am reducing or slashing the green innovation fund’? Did he go back and discuss any of his $1.5 billion reductions with those companies? (Time expired)

Senator KIM CARR (Victoria) (15:05): Mr President, I ask a further supplementary question. Minister, you are quite clearly not aware of very much, but maybe you can help me here. Did the government make a decision on Holden’s business case before the government launched its calculated attack upon the company last week and before the Acting Prime Minister wrote to the company, demanding an immediate decision on its future?

Senator RONALDSON (Victoria—Minister for Veterans’ Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:05): The shadow minister asks me what I knew. I am happy to go through that with him. The last two years, when he was industry minister most of the time, had $1.2 billion in funding reduced from—

Honourable senators interjecting—

The PRESIDENT: Order! It does help me when people get to their feet for a point of order if they make the statement that they are seeking a point of order. That is the normal way in which people seek a point of order. Otherwise, my attention is distracted by other issues that are going on in the chamber, and I cannot have my eyes everywhere.

Senator Moore: Mr President, my point of order is on relevance. The question referred to the government making a decision. The minister began his answer by not even going close to what the question was, so I was just a little bit concerned about where we are going with the relevance. The relevant question, Minister, was before you.

The PRESIDENT: Order! Minister, I draw your attention to the question. The minister does have 40 seconds remaining to address the question.

Senator RONALDSON: Thank you, Mr President. I am not too sure what the Manager of Opposition Business missed in all that, but I was asked what I knew about these matters in relation to the industry by Senator Carr, and I invite you to check the Hansard. What I do

CHAMBER
know is that under Minister Carr's watch Ford withdrew from Australia, and I do know that under his watch Mitsubishi withdrew from Australia.

Senator Wong: Mr President, on a point of order on relevance, the question was: did the government make a decision on Holden's business case before the government launched its attack on the company and before the Acting Prime Minister wrote to the company demanding an immediate decision on its future? It is a very important question as to whether this government in fact even determined how much assistance it would or would not provide to Holden before it demanded that it close. I ask that you return the minister to the question.

The President: Order! I have ruled on a previous point of order where I drew the minister's attention to the question—that the minister should address the question. The minister needs to address the question, with 19 seconds remaining.

Senator RONALDSON: Thank you, Mr President. I am terribly sorry if it was not implicit in my initial answer that I did not accept the premise, and I suppose I should have said so. But what I do know is that under Minister Carr, on 16 July this year, he went to a cabinet meeting and let down the workers of this country.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (15:08): My question is to the Minister representing the Minister for Immigration and Border Protection, Senator Cash. Can the Minister representing the Minister for Immigration and Border Protection, Senator Cash, please explain to the chamber how the government intends to respond to reports by Amnesty International that Australia's treatment of refugees and asylum seekers locked up on Manus Island equates to torture?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:09): I thank Senator Hanson-Young for her question. In relation to the allegations made in the Amnesty International report, I think it is very clear to all of those who have followed the last five years in terms of the debacle that the other side caused in relation to our border protection that Amnesty International does not like offshore processing, as does not Senator Hanson-Young. In relation to this government's reinstatement of offshore processing, I can only say to the Senate that we are going to see report after report after report coming out from Amnesty International. Amnesty International, however, would not have had to make this report if this government did not have to clean up the mess, Senator Hanson-Young, that you created when you unwound the former government's border protection policies. There would not be people on Manus Island—there would not be people on Nauru—if you had not sided with the former Rudd government, the former Gillard government and the former Rudd government, to name the three Labor governments, and rolled back the Howard government's Pacific solution and temporary protection visas. You are only asking these questions today because of the actions you took when you were in an unholy formal alliance with those on the other side. You need to come into this chamber for once and for all and take responsibility for your own actions in this regard. Offshore processing works. We proved it under the former Howard government, and we will prove it again under the current Abbott government.

Honourable senators interjecting—
The PRESIDENT: Wait a minute, Senator Hanson-Young. When the chamber settles down, I will give you the call. Order!

Senator HANSON-YOUNG (South Australia) (15:11): Mr President, I ask a supplementary question. I find it astonishing that the minister refuses to take any responsibility for the torturing of refugees on Manus Island.

The PRESIDENT: You need to come to a question.

Senator HANSON-YOUNG: Can the minister please provide to the chamber an explanation regarding reports that refugees detained on Manus Island are restricted to less than 500 millilitres of water a day despite temperatures reaching highs of 40 degrees?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:12): Unfortunately, Senator Hanson-Young needs to learn that you do not believe everything that Amnesty International finds. It has been reported that drinking water is restricted to 500 millilitres per day. I will confirm for the Senate that those reports are completely untrue and transferees have unrestricted access to bottled water.

Senator HANSON-YOUNG (South Australia) (15:13): Mr President, I ask a further supplementary question. I would take Amnesty International's words over the liars on the other side any day.

The PRESIDENT: Order! You need to withdraw that. You cannot say that.

Senator HANSON-YOUNG: Okay, I will withdraw, Mr President. I would take the words of Amnesty International over the absolute mistruth of the government on that side any day when it comes to the human rights of people.

The PRESIDENT: Order! Where is your question? You have 12 seconds to ask your question.

Senator HANSON-YOUNG: Given the High Court has ruled against the government again this afternoon on the indefinite detention of Ranjini—

The PRESIDENT: Order! Your time for asking the question has expired. That is why people should not be making statements at the front of questions.

**Broadband**

Senator SESELJA (Australian Capital Territory) (15:14): My question is to the Minister representing the Minister for Communications, Senator Fifield. Can the minister inform the Senate of the biggest impediment to broadband availability in Australia?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:14): I thank Senator Seselja for his longstanding interest in broadband. There is a clear impediment to broadband availability in Australia—Honourable senators interjecting—

The PRESIDENT: Order on both sides!

Senator FIFIELD: The Australian Labor Party have been the biggest impediment to broadband availability in Australia. They spent six years talking up the supposed reforms, but for all their rhetoric they have failed to deliver. With the Australian Labor Party we know that once you issue the press release you can forget about delivery—issuing the press release is the
focus; they think the job is done. The strategic review confirms that the project was going to cost $29 billion more than Senator Conroy ever admitted and would have taken until 2024 to complete. We have the situation where we have 1.5 million Australians who have no or inadequate broadband services, and that number barely changed during the period of the former government. In fact, it would be fair to say that never before has so much been spent on so little for so few. The coalition will prioritise those areas which need upgrades the most. We have seen time and time again the results of governing by press release, but I think it is important to listen to the words of Mr Quigley, the former chief executive of NBN, who, when asked if there were things he would have done differently, said:

You do think, should I have been more conservative? But the timescales are already set for you, the time frames are already put out there for you so there's not much you can do.

We are not going to require the hardworking staff of the NBN to defend the indefensible any longer.

Senator SESELJA (Australian Capital Territory) (15:16): Mr President, I ask a supplementary question. Can the minister inform the Senate of the importance of affordability when it comes to broadband uptake?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:16): Affordability is a key determinant of access, and it is Australians on low income who often miss out when it comes to accessing the internet. For instance, over the last decade broadband prices have consistently fallen, meaning that more and more Australians, and particularly those from low socioeconomic groups, could afford the take-up of broadband service. The price of ADSL fell 69 per cent from 2005 to 2010. In contrast the NBN asked regulators for the right to lift prices on most services over the next five years, and the strategic review confirms that Senator Conroy's approach would have resulted in prices rising up to 80 per cent. Obviously, this approach would have limited availability for price-conscious consumers. The coalition will ensure that broadband remains as affordable as possible for Australian families.

Senator SESELJA (Australian Capital Territory) (15:17): Mr President, I ask a further supplementary question. Can the minister advise the Senate of the consequences in terms of take-up and affordability if the government fails to significantly reform the rollout plans it inherited?

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (15:18): It is pretty straightforward that, if you barely roll out the network and ensure prices skyrocket, you are not going to have a lot of customers. Every target set by the previous government was missed and that was because their targets were political, not operational. The good news, though, is that NBN Co. has advised the government that, to deliver broadband sooner at less cost to taxpayers and more affordably for consumers, the NBN should be completed using a multi-technology mix. This will match the right technology to the right location and make use of existing networks where possible to deliver very fast broadband.

The great news is that this approach will save taxpayers $32 billion and get the NBN finished four years sooner and ensure that prices for consumers are lower than they would have been under Labor. The strategic review demonstrates just how far off track Labor was. (Time expired)
Automotive Industry

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:19): My question is to the Minister representing the Minister for Industry, Senator Ronaldson. Can the minister confirm that the government will cut $500 million to 2015 from the Automotive Transformation Scheme and that on 6 December the Prime Minister pledged that there was not going to be any extra for the automotive industry? Why did the Prime Minister rule out any further assistance when the government had received a business case which would have retained GMH operations in Australia?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:19): I do not accept the comment from the shadow minister in relation to the business case. I said in an earlier question—

Senator Kim Carr: You don't know about it.

Senator RONALDSON: I will take the interjection from Senator Carr. Given the damage you have done to this sector, I find it extraordinary that you ask a question, let alone interject.

The PRESIDENT: Order! You should address your comments to the chair.

Senator RONALDSON: In relation to Senator Conroy's question, I thought it actually might be of interest to the chamber to know what we will be doing in conjunction with the unions, the South Australian government and the Victorian government in relation to these workers from Holden who will be displaced. I am sure that all reasonable steps will be taken to assist affected workers transitioning to new employment and that affected regions receive assistance to transform their economies. Any workers made redundant from Holden's Elizabeth and Port Melbourne plants are eligible for assistance under the Automotive Industry Structural Adjustment Program. This provides for immediate access to intensive employment support at this stream 3 level through Job Services Australia.

Senator Moore: Mr President, I raise a point of order on relevance. I am sorry to interrupt the minister giving information on the previous question put to him, because it is about workers, but I refer to Senator Conroy's question, which is about the Prime Minister ruling out further assistance when the government had received a business case. I am asking the minister to answer that question, rather than the previous question.

The PRESIDENT: I believe the minister is answering the question and he still has 22 seconds remaining to address it.

Senator RONALDSON: Thank you, Mr President. I was not asked about that in the previous question. Quite frankly, I am absolutely staggered that when I am talking about the Holden workers, who have been the subject of interjections from across the other side for the last two days, and what we are going to try and do for those men and women— (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:22): Mr President, I ask a supplementary question. Hopefully, Senator Ronaldson will make an attempt to answer my question this time. I refer to Toyota's statement that Holden's departure: … will place unprecedented pressure on the local supplier network and our ability to build cars in Australia.
What discussions has the government had with Toyota about its future?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:23): I thank the honourable senator for his question. As Senator Conroy will be aware, the cost imposition for manufacturing in Australia for Toyota is about $3,200 per unit. We have made quite clear all the way through that there is $1 billion of taxpayers' funds going into the automotive sector until 2015 and there will be a further $1,000 million of taxpayers' funds available to the automotive sector after 2015. The government is working closely with Toyota. I do not expect Senator Conroy to be aware of this, and I do not mean that in a negative sense.

Senator Kim Carr: He's more aware of it than you are!

The PRESIDENT: Order!

Senator RONALDSON: You really are an extraordinary man! In relation to Senator Conroy— (Time expired)

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence, I will give you the call, Senator Conroy. Senators on my left and right!

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:24): Mr President, I ask a further supplementary question. Will the government provide additional assistance to Toyota in light of the unprecedented pressure that it now faces, or will you confirm that Mr Abbott has already declared no more funds for Toyota? Will the government treat Toyota the same way it treated Holden and start leaking against Toyota now from the cabinet room?

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (15:25): We have a question and then we have the politics. So congratulations, Senator Conroy, for finishing off on that note. As I said before, this is about the government's relationship with Toyota. The Prime Minister has personally—

Opposition senators interjecting—

The PRESIDENT: Order!

Senator RONALDSON: Thank you, Mr President. The Prime Minister has spoken personally to the President of Toyota.

Senator Lines: But he hasn't spoken to Holden!

Senator Jacinta Collins: But you don't know about Holden.

Senator RONALDSON: They do not want to hear the answer.

Senator Cormann: They're not interested in the answer.

The PRESIDENT: Order! Minister, ignore interjections; they are disorderly. You have a question that has been asked by Senator Conroy and you need to address that question. You have five seconds remaining.

Senator RONALDSON: Thank you, Mr President. As I said earlier on, this government wants Toyota— (Time expired)

Honourable senators interjecting—
The PRESIDENT: Order! On my left and my right!

Same-Sex Marriage

Senator EDWARDS (South Australia) (15:27): My question is to the Attorney-General, Senator Brandis. Can the Attorney-General update the Senate of the decision of the High Court regarding the validity of the ACT same-sex marriage laws?

Opposition senators interjecting—

Senator EDWARDS: Clowns!

The PRESIDENT: Order! I call the Attorney-General.

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:27): I thank the honourable senator for his question. A short while ago, the High Court gave its decision in the Commonwealth's proceedings seeking a declaration of invalidity against the ACT's same-sex marriage legislation. As a result of the decision, the judges decided in a unanimous joint judgment of six of Their Honours to uphold the Commonwealth's legal challenge. One member of the court, Justice Gageler, recused himself, I understand because, as Commonwealth Solicitor-General, His Honour had given legal advice to the Commonwealth.

The Commonwealth welcomes this decision. The basis upon which the decision was reached by Their Honours was the supremacy of the marriage power in section 51(xxi) of the Constitution. I will read a couple of sentences from the statement that the court published:

The Marriage Act provides that a marriage can be solemnised in Australia only between a man and woman and that a union solemnised in a foreign country between a same sex couple must not be recognised as a marriage in Australia. That act is a comprehensive and exhaustive statement of the law of marriage.

As a result, the inconsistent provisions of the ACT legislation were held to be void and of no effect. As I said on 10 October when I announced that the Commonwealth would initiate these proceedings:

Irrespective of anyone's views on the desirability or otherwise of same-sex marriage, it is clearly in Australia's interests that there be nationally consistent marriage laws.

At the moment, the Commonwealth Marriage Act provides that consistency. That is the position which the High Court, I am pleased to say, has upheld today.

Senator EDWARDS (South Australia) (15:29): Mr President, I ask a supplementary question. What is the appropriate reaction of members of parliament to decisions of the High Court?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:29): The appropriate reaction of members of parliament, irrespective of their political positions, to decisions of the High Court is always to respect the authority of the court. I might say that even if the decision had gone the other way, and the Commonwealth's proceedings had been dismissed rather than upheld, my answer would have been the same. It is imperative that all members of parliament, irrespective of their personal opinions, uphold and respect the authority of decisions of the courts.
That has not always been the case. I recall that under the previous government, in September 2011 when the High Court gave its decision in the Malaysia solution case, the High Court and individual members of the court were attacked by members of the cabinet and by the Prime Minister.

Senator EDWARDS (South Australia) (15:30): Mr President, I ask a further supplementary question. Why is it important that members of parliament respect decisions of the High Court?

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (15:30): It is important because the High Court is the final arbiter of legality in this country, and no minister of this government will do what ministers of the previous government did and attack decisions of the High Court and attack members of the High Court by name when a decision is resolved against the executive.

In the Malaysia solution case, the then Prime Minister, Ms Gillard—

Opposition senators interjecting—

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

Senator BRANDIS: The then Prime Minister, Ms Gillard, shamefully attacked the integrity of the Chief Justice, and an unnamed senior member of the cabinet allowed himself to be quoted in the newspapers as saying:

… Robert French has zero credibility.

That was a disgraceful thing to do, and it was disgraceful that the then Attorney-General stood by and allowed it to be done. This government will always respect the authority of the High Court and its members.

Automotive Industry

Senator XENOPHON (South Australia) (15:32): My question is to Senator Cormann as Minister for Finance and representing the Minister for Trade. Yesterday, Mr Jim Griffin, the President of the Federation of Automotive Product Manufacturers, which employs close to 40,000 people and depends on a viable automotive manufacturing sector, said that free trade agreements had failed to deliver any benefit to his industry because of non-tariff barriers. I note that the Federal Chamber of Automotive Industries, the FCAI, advises that Ford Australia, in seeking to export the Ford Territory to Thailand, is faced with non-tariff barriers that push the price of the vehicle from about $40,000 here to over $100,000 there. Does the government acknowledge that a number of free trade agreements, including that with Thailand, have been biased against Australian manufacturing because of a failure to negotiate effectively on non-tariff barriers?

Senator CORMANN (Western Australia—Minister for Finance) (15:33): I thank Senator Xenophon for that question and for some notice of it.

We do not accept the notion of a bias against Australian manufacturing in our free trade negotiations. Our exporters—manufacturing, services and agricultural exporters—would be subject to the same non-tariff barriers the senator refers to without a free trade agreement. It should also be remembered that the future of car exports is subject to the exchange rate, production costs—including of course Labor's carbon tax impost on the cost of production—
and strategic decisions made in foreign capitals more than Australia's residual five per cent tariff.

The government works with trade partners to reduce, if not eliminate, tariff and non-tariff barriers facing Australian exporters from all sectors: manufacturing, services, agriculture and resources. The government is committed to achieving high-quality comprehensive free trade agreements that produce tangible benefits for all sectors of the Australian economy. Australia's free trade agreements improve and lock in access for Australian exporters far more than would be the case without an FTA.

Non-tariff barriers are always difficult to negotiate in free trade agreement negotiations, because they generally cannot be applied to imports from free trade agreement partners only. That is why Australia is active in the World Trade Organization and multilateral trade negotiations. These negotiations provide great opportunities to address non-tariff barriers so solutions can be applied in a non-discriminatory way.

I am pleased to be able to report to the Senate that recent progress has been made in World Trade Organization negotiations: 159 WTO member economies agreed on a package of trade outcomes, including on trade facilitation, that will make it easier and cheaper for goods to flow through the ports and customs processes of 159 countries. (Time expired)

Senator XENOPHON (South Australia) (15:35): Mr President, I ask a supplementary question. Will the minister at least answer on notice how much non-tariff barriers in Thailand add to the cost of a Ford Territory? And can the government assure the Senate that the free trade agreement recently entered into with South Korea will not have similar adverse outcomes for Australian manufacturers because of non-tariff barriers, as has occurred with Thailand?

Senator CORMANN (Western Australia—Minister for Finance) (15:35): What I can assure Senator Xenophon of is that we will progress every single one of the free trade agreement negotiations that this government is involved in in the national interest. We will be focused on strengthening our economy and creating jobs. We will not be able to solve every trade barrier faced by our exporters, but this government, with the conclusion of KAFTA, progress in the TPP negotiations and a successful conclusion to the WTO negotiations, is making far more progress than the Labor Party in government ever did.

Under this FTA with South Korea, all Australia's tariffs will be removed, including on cars, consistent with all our previous FTAs. We recognise the Australian car industry is facing many challenges, and that is of course why we negotiated staging periods for the reduction of tariffs on some vehicles and parts. Of course, both Australia and South Korea have had to make concessions in areas of interest to the other— (Time expired)

Senator XENOPHON (South Australia) (15:36): Mr President, I ask a further supplementary question. The FCAI has, through the Allen Consulting Group, using the same modelling parameters as Treasury, estimated a $21.5 billion hit to the economy if the automotive industry fails. What modelling and what contingency plans have the federal government undertaken to assess the damage to Australia's economy and to jobs in the automotive supply chain, given the General Motors decision to exit car manufacturing in Australia? Does the government acknowledge the size and the utmost urgency of the problem?
**Senator CORMANN** (Western Australia—Minister for Finance) (15:37): Clearly we are facing a challenge as a result of the decision that was announced by Holden yesterday. The important thing is that we pull together in an effective policy response to deal with the impact of the decision. The Prime Minister has said that the government will be announcing measures in coming days which will build on the strengths that we have and that will offer hope for the people of the regions impacted. That is what this government is working on. It will be part of a considered package of measures designed to rebuild confidence in the long-term economic future of those regions, in the long-term future of manufacturing in this country. If the Labor Party were truly interested in the future competitiveness of manufacturing in Australia, what they would be doing here today is voting with us to scrap their job-destroying carbon tax. Their carbon tax has caused absolute wreckage across manufacturing in Australia, and every day that they stop us from scrapping the carbon tax they are putting more jobs at risk. *(Time expired)*

**Defence**

**Senator CONROY** (Victoria—Deputy Leader of the Opposition in the Senate) (15:38): My question is to the Minister for Defence, Senator Johnston. What action has the minister undertaken to ensure that the government meets its pre-election promise to have defence spending at two per cent of GDP within a decade? Can the minister confirm that the movement towards meeting this promise will begin in next year's budget and that it will be fully outlined in the defence funding guidance accompanying next year's budget?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (15:39): I thank the honourable senator for the question. It would be the first time in six years that a Labor senator has shown the slightest bit of interest in the Defence portfolio and the national security standing of this country—

*Opposition senators interjecting—*

**Senator JOHNSTON:** in terms of funding—not the slightest bit of interest. This is a very important and crucial question for the financial wellbeing of the Australian Defence Force. What I have been confronted with as the new minister has been an absolutely shambolic state of finances. It is almost a modern miracle that when Typhoon Haiyan went through the Philippines we were able to field two C17s, a C130 and turn HMAS *Tobruk* around and send them up there to deal with that. We predeployed to people in the face of that cyclone. These are the sorts of things we are finding almost impossible to do because the resourcing of this portfolio has been plundered by the Labor Party for the last six years: $16 billion in four years just ripped out of this portfolio—and the senator comes in here to say, 'What are you going to do about it?'

What we have said is that, first of all, there will be no further cuts—and may I say, in the face of what we have seen in the last four years, that is one hell of a turnaround, can I tell you. There will be no further cuts to the defence budget. We have then said that we will firstly thereafter steady the ship—that is, we will scope out what the damage has been to the capital account of the Defence portfolio into the next 10, 15 and 20 years, bearing in mind that senators on the other side would not understand that shipbuilding is a 20-year proposition from its inception.
Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:41): Mr President, I have a supplementary question, and perhaps the senator might like to attempt to answer this question. Does the minister accept findings by the Australian Strategic Policy Institute which show that achieving the government's promise to increase defence spending to two per cent of GDP within a decade would require an annual real rate of growth of around five per cent each year over the next 10 years, or around $35 billion? Will you now commit to that target?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:41): The most important finding of the Australian Strategic Policy Institute in its examination of successive Labor budgets was that the former government had reduced the defence department's budget to an 'unsustainable mass'. That is the legacy that I have inherited from you fellows—an unsustainable mass.

Senator Moore: Mr President, I raise a point of order on relevance. The minister has completed half of his answer and it has not got to the specific question about the government's commitment.

The PRESIDENT: The minister is addressing the question and the minister still does have 23 seconds remaining.

Senator JOHNSTON: This is the issue with the Labor Party in government: 'We're going to have Joint Strike Fighters, we're going to have submarines, we're going to have rockets to the moon—but please don't mention the dollars because we've got none. We don't ever want to talk about the dollars because we're interested in the photo opportunities, not the actual substance of the portfolio.' (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (15:43): Mr President, I ask a further supplementary question. Minister, when addressing ASPI last week you said that the government would only begin increasing defence spending 'as soon as broader economic circumstances permit'. Minister, are you walking away from your pre-election commitment or will you now commit to the $35 billion that you have been promising?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:43): When I said that we were confronting broader economic challenges, one of the principal ones was what we have heard about today: an NBN allegedly going to cost $4 billion; now it is $73 billion.

Senator Moore: Mr President, on a point of order on relevance: the minister has started in a completely different area. We need to have a response to the question about the pre-election promise from the government.

The PRESIDENT: There is no point of order at this stage. The minister still has 41 seconds remaining.

Senator JOHNSTON: Can you imagine the confidence of the men and women of the Australian Defence Force fighting on the front line knowing that the shadow minister, who is in waiting were there to be a change of government, has a track record of the sort of financial management—

The PRESIDENT: Order! Senator Moore is on her feet and she has the right to be recognised, but I will not recognise her until there is silence.
Senator Moore: Mr President, again on relevance, we have now gone another 20 seconds to this answer and, again, there has been no movement towards an answer to this question. I ask you, Mr President, to draw the minister's attention to the question.

The President: I do draw the minister's attention to the question. The minister now has 23 seconds remaining to address the question.

Senator Johnston: So when I was talking to ASPI, Mr President, about the wider challenges confronting the government in financial circumstances, can I tell you that the successive deficits the former Labor government delivered, the policy of ripping out $30 billion in ASPI's— (Time expired)

Defence

Senator Fawcett (South Australia) (15:46): My question is also to the Minister for Defence, Senator Johnston. Minister, I am amazed at the gall of the Labor Party to ask questions about the budget given that they released two defence—

The President: Order! You need to ask your question. Order! I remind all senators on all sides that statements are disorderly at the start of a question. That has been well and truly established before. Senator Fawcett, ask your question.

Senator Fawcett: Do you want me to start again, Mr President?

The President: No, just ask your question.

Senator Fawcett: I refer to the fact that the previous Labor government released two defence white papers, so why is it necessary for the incoming coalition government to commission another defence white paper?

Senator Johnston (Western Australia—Minister for Defence) (15:47): I thank the honourable senator for his interest in defence. The previous Labor government has left me and the new government a number of financial hand grenades, most of them with the pins out. The first of these was the 2013 defence white paper. This was a 148-page document with only a page and a half devoted to how the defence white paper was to be funded. Bad enough as that sounds, the key omission was that there were no costings attached to an array of procurements—that is, 'We are going to buy all this stuff but we are not going to tell you where the money is coming from.' Not one single dollar figure appeared anywhere in the whole document—not one single dollar figure!

What was clear to me from the day that this white paper was released in May of this year, was that it is a completely flawed document, totally lacking in financial credibility. When I was appointed Minister for Defence, the first thing that became apparent to me was that my worst fears had been realised: the government's strategic objectives and forced modernisation plans, as described in this white paper, are completely unaffordable. They have simply treated defence like an ATM, and those proposals in this white paper were unaffordable in the face of $16 billion of cuts. The portfolio was financially on its knees. That is the legacy that the Labor Party had given us: grand plans on the front foot, making grand announcements in front of jet fighters and helicopters, but no dollars. The major problem was that there was not any funding for any of those announcements. That is what we are confronted with. (Time expired)

Senator Fawcett (South Australia) (15:49): Mr President, I have a supplementary question. Given that, in the 2009 white paper, the Labor government promised to increase
defence spending by three per cent per year in real terms, Minister, why do we have a situation where over 5,000 jobs in the defence industry manufacturing sector have been lost, including in my state of South Australia?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:49): Since the 2009 defence white paper was delivered by Labor, most notably in the 2012-13 and 2013-14 budgets, defence has had to delay 70 projects, reduce the provisions of 35 and cancel a further seven. Cancelling, delaying or suspending projects means only one thing—jobs in the Australian defence industry have been lost. There have been lost, as a result of Labor's incompetence, 5,000 highly skilled jobs in the defence industry since 2009. Guess where they have been: in South Australia and Victoria. The Australian government is committed to supporting the local defence industry, and there will be, as I have said in an answer to a previous question, no further cuts to defence spending by this government. Defence expects to spend $5.4 billion, or around 59 per cent, of the DMO's total military equipment acquisition. (Time expired)

Senator FAWCETT (South Australia) (15:50): Mr President, I have a further supplementary question. Can the minister confirm that Labor's Strategic Reform Program is now considered a failed project that produced few, if any, savings for defence?

Senator JOHNSTON (Western Australia—Minister for Defence) (15:51): As many interested in this place would know, the Strategic Reform Program was to yield $20 billion over 10 years. The program lasted about nine days. That is because the budget that was brought down straight after the 2009 white paper failed to deliver any money in support of it. The promises of 2009 were simply left twisting in the breeze by a government that never regarded defence as a priority. Even worse, they regarded it as nothing more or less than a cash cow to be plundered. That is the legacy of Labor in defence.

By the time of the 2011-12 budget, the promises contained in and surrounding the Strategic Reform Program were never even mentioned. Labor's failed attempts to balance their overall budget were a step too far for a government that spent money as if there were no tomorrow. They treated defence as a convenient ATM. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Automotive Industry

Senator KIM CARR (Victoria) (15:52): I move:

That the Senate take note of the answers given by the Minister for Employment (Senator Abetz) and the Minister for Veterans' Affairs (Senator Ronaldson) to questions without notice asked by Senators Farrell, Carr and Conroy today relating to the automotive industry.

These were, of course, questions that were asked by non-government senators, because there was not one question presented to this chamber from the government side. There was not one attempt to seek information about the consequences of the social and economic catastrophe which has been brought into this country as a direct result of the government's policy to drive General Motors out of Australia. What we did get was a stunt, at the beginning of question time, to attempt to avoid scrutiny. Now we have a clear example of the way in which this government operates. It pays a lot of attention to the politics of a situation but absolutely no attention whatsoever to the substantial policy questions.
General Motors, after the swearing-in of the government on 18 September, presented the government with a business case, on 3 October, in which they required assistance to meet $1 billion worth of new investment for the new generation motor vehicles in Australia, which would take production through to the middle of next decade. We have a minister here today who did not know about it. He did not know anything about the business case that has been put. He did not know anything about whether or not the Prime Minister has actually taken any interest in this matter. He did not know anything about the fact—which is now revealed for all to see—that the Prime Minister not once sought to discuss that business case with General Motors. He did not visit them and did not discuss the question with General Motors. But, as of Thursday, 5 December, a campaign was launched by senior members of this government to try and drive General Motors out of Australia—and they were very successful; what an incredible success indeed.

Yesterday, when the Treasurer was presented with the news, he said he was not surprised that this should have happened. He is right: he should not be surprised given the amount of energy he has put into driving this company away from Australia. We should not be surprised that this government has acted with such complete cavalier disregard for the welfare of workers in this industry, or the national economy or the regional economy. We also heard today that, despite the deliberate efforts of this government to drive this company out of Australia and end manufacturing in the automotive industry, there has been no strategy put in place and no thought given to the consequences of this, other than an attempt to draw upon a Labor program—the Automotive Industry Structural Adjustment Program—which would have been overwhelmed by the scale of the disaster that this government have brought to this country.

We have seen the unparalleled hostility of this government to the automotive industry.

Senator Heffernan: Mr Deputy President, I rise on a point of order. There were discussions before the election about the timing of Holden, and they were discussions with members of the Labor Party—

The DEPUTY PRESIDENT: Senator Heffernan, you know that is not a point of order. You do not have the call. There is no point of order. Senator Carr, you have the call.

Senator KIM CARR: The senator is actually quite right. The opposition, as it was as the time, was given extraordinary detail about the business case that General Motors had, but took no action to deal with it. The opposition at the time knew that they could have fixed this problem for less than $150 million a year. Now we are going to have to spend billions and billions of dollars to repair the damage that has been created by the extraordinarily ruthless and reckless attitude that this government has taken to one of the most important industries in manufacturing in this country.

We heard extraordinary statements being made by the Deputy Prime Minister, who was the Acting Prime Minister at the time, demanding an immediate answer from General Motors, despite the fact that the Minister for Industry had actually asked them to delay a decision. Nonetheless, upon hearing the decision of General Motors, we had the industry minister expressing most audaciously that he was disappointed that Holden hadn't given the Australian government time to complete the process—afer there was an answer demanded of them by the Acting Prime Minister. He said he was floored. What an extraordinary proposition! It was a deliberate and destructive campaign launched by senior members of this government, who
were backgrounding journalists and our media organisations for seven days straight, and they were demanding the company leave the country. The Treasurer said, 'You're either here or you're not.'

We know what happened. There was a text message sent to Detroit and there was a direct line feed to Detroit on question time yesterday. That is what happened. (Time expired)

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (15:58): Here we have the former minister in charge of our automotive industry standing up here like the great hypocrite that he is, screaming at the top of his voice that somehow—

Senator Farrell: Mr Deputy President, I rise on a point of order. Senator McKenzie just referred to Senator Carr in a most unparliamentary way. I am not sure if you heard it, because you were having a discussion with Senator Cash, but I would request that it be withdrawn.

The DEPUTY PRESIDENT: Senator McKenzie, I did not hear any remarks that may or may not have been made. I will leave it up to you. If you feel as though you need to withdraw, that would be appreciated.

Senator Conroy interjecting—

The DEPUTY PRESIDENT: Order, Senator Conroy! I am relying on the integrity of the senator involved. Senator McKenzie, if you feel as though you have made any remarks that need to be withdrawn, I would ask that you withdraw those.

Senator McKenzie: For Senator Carr to stand here as a Victorian senator—

The DEPUTY PRESIDENT: Senator McKenzie, I just want to deal with this point of order. Did you feel as though you made a remark that needs to be withdrawn?

Senator McKenzie: No, I did not, Mr Deputy President.

The DEPUTY PRESIDENT: In the absence of any evidence—

Senator McKenzie: But I will review Hansard when it comes out and if I need to withdraw I am more than happy to.

The DEPUTY PRESIDENT: Senator McKenzie, the chair will review Hansard and determine whether anything has been said that is unparliamentary. Senator Carr, on that point of order?

Senator Kim Carr: On the point of order, Mr Deputy President, I do not normally care what anyone calls me, and they call me quite extraordinary things, but for you to call upon the senator here on the basis of her integrity and for her to then deny what she said is quite extraordinary, even for the National Party.

The DEPUTY PRESIDENT: Senator Carr, the dilemma is this, I did not hear that. I was engaged in discussing business with the Clerk and with other senators. I have relied upon the senator, if she felt as though she had said something unparliamentary, to withdraw. She has indicated that we should review Hansard. Hansard will be reviewed and if there is anything to report back to the Senate it will happen. Senator McKenzie, you have the call.

Senator McKenzie: Thank you very much, Mr Deputy President. As a fellow Victorian senator, I know the automotive industry is incredibly important to our state's economy, as Senator Collins also knows and as Senator Carr, who is now leaving the chamber, should recognise. The coalition has been committed to a vibrant and sustainable automotive industry,
which is why we instigated a Productivity Commission inquiry and which is why we are committing to a billion dollars worth of funding and another billion dollars after 2015. That is not an insignificant sum. But we cannot control what occurs in foreign boardrooms. GM’s chairman, Dan Akerson, states from Detroit that a range of factors were to blame for their global restructure—so it has not hit just our domestic industry; it has hit other nations' industries. Mr Akerson says that ‘the decision to end manufacturing in Australia reflects the perfect storm of negative influences the automotive industry faces’ in Australia. The reality is that under the former minister, Senator Carr, 100,000 fewer cars were made. The carbon tax hit was put on our manufacturing industry, and you cannot say that is an insignificant amount of money or cost burden to your business, particularly if you are in manufacturing.

But I think the one that takes the cake—and Senator Ronaldson actually referred to it in his answers to the questions asked of the government by the opposition—was the $1.8 billion hit to this industry made, without consultation, I might say, around the fringe benefits tax hit made by the former government and hoisted onto the automotive industry, with no consultation. So, as for them coming in here and hypocritically carping from the sidelines that somehow the government is responsible for this or is attempting to drive Holden—GM—out of Australia, we would prefer that Holdens were being driven right around Australia. That is what we want to see: Australian-made cars being purchased by Australians and being driven on Australian roads. But because of the perfect storm of the high Australian dollar and the high cost of doing business—you don’t like to hear it; you don’t want to talk about the commission of audit; you don’t want to talk to the Business Council—the reality is—and talk to anybody here or overseas—that trying to run a business in Australia at the moment is incredibly difficult. They are the first ones to say that there is a high cost of doing business in this country and that it is actually costing these jobs, combined with the low demand for the actual product. You put all that in together and it is unsustainable. So for them to sit here and point the finger is beyond a joke.

The reality is we are committed to research and development in this area. I think of Geelong and of the work done with the automotive industry and with a variety of our universities. It is key to it. I think the Victorian Automotive Chamber of Commerce commentary on how this decision in a foreign boardroom impacts on our local economy and our local community is significant. The Victorian Automotive Chamber of Commerce is working in Victoria particularly with those small to medium enterprises that are going to be affected by this. The Napthine government is convening a roundtable next Wednesday to discuss the Victorian automotive industry and to look at the industry, jobs et cetera.

Senator Farrell: It’s too late. They had to do it before they made the decision.

Senator McKENZIE: Senator Farrell, you can sit there and carp from the sidelines. The reality is that, as we speak, we are dealing with the consequences of the regulatory burden that your government put on this industry, and it is absolutely reprehensible for you to sit there and point the finger at this government when we are doing everything we can to bring down the cost of doing business in this nation and to actually address the very real regulatory burden that businesses have to deal with, particularly those in the manufacturing sector. (Time expired)
Senator FARRELL (South Australia) (16:05): I absolutely reject the suggestion from Senator McKenzie that I am making comments from the sidelines. I have engaged in this debate every single day of this week.

Senator Kroger: But what did you do about it for six years, though? You could have done something for six years.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Order!

Senator FARRELL: I am happy to answer that question. I am very happy to answer that question, Senator Kroger. I did my level best to ensure—

The ACTING DEPUTY PRESIDENT: Through me, please, Senator Farrell.

Senator FARRELL: Sorry?

The ACTING DEPUTY PRESIDENT: Address through the chair.

Senator FARRELL: Yes, I will address through the chair, thank you, Mr Acting Deputy President. But I intend to answer the question of Senator Kroger. For every single day I have been in this place I have sought to defend and protect the automotive industry. It is an industry I believe Australia needs. It needs it for a whole lot of reasons, including, I think, national security reasons, and I completely reject Senator McKenzie's suggestion that I am carping from the sidelines. I have been involved in this debate, I have given many speeches on the issue of the importance of the car industry and this is one more that I am going to give today.

I did see what Prime Minister Abbott said about the announced closure of Holden. He has called it a 'dark day', and he is right about that. It is a dark day. But it did not have to be a dark day. In fact, it could have been a bright day today. Had the owners of Holden Australia made a different decision—the decision I thought they ought to have made—it could have been a very bright day for the Australian manufacturing industry. Why didn't they make that decision that could have been a bright decision?

One of the reasons, we now find out today, is that Mr Abbott had made no contact with the Holden company since the election. Everybody in this country—from workers at the Holden factory to a minister in the government, to state ministers and state members of parliament—knew that there was a significant issue at hand in respect of Holden, that there was an important decision to be made, and yet we find out today that the Prime Minister of this country has not spoken to this company.

We know that there was one person in the Abbott cabinet who was interested and did attempt to save this company.

Senator Jacinta Collins: Yes; the minister.

Senator FARRELL: Yes; Minister Macfarlane. He was interested, but he had no support. He did not have any support from the rest of the cabinet, including, I assume, the sole South Australian cabinet minister, Minister Pyne. He obviously did not speak up on behalf of—

Senator Jacinta Collins: He bungled schools, and now he's done industry.

Senator FARRELL: Of course he was a pushover. They pushed him into getting rid of Gonski; two or three days later they pushed him back to supporting Gonski. But on the really important issue here of Holden, he was nowhere to be seen.
I do not think, in my time in this parliament, I have ever seen a government go out of its way so actively to encourage a negative decision by a company. The decision of Minister Hockey was to goad this company into making an early decision on this issue, when he should have been doing exactly the opposite. He should have been making soothing noises; he should have been indicating that the Australian people want to live in a country where we continue to make cars. That is the message he should have been giving this company. In fact, he gave it the opposite.

What also amazed me yesterday, when it was clear that there was a serious issue here in that Prime Minister Abbott had not contacted the company, was what the Acting Prime Minister or the acting Deputy Prime Minister—I am not sure what he was—Minister Truss did. What did he do? Did he get on the phone to the company and say: 'Look, we want you to stay manufacturing in this country. We want you to continue to build cars. We want you to keep employing Australians. We want those Australians to be paying tax so that this country continues to grow'? No, he did not get on the phone. Did he send an email to the company indicating those things? No, he wrote a letter. He used snail mail to get in contact with this company. They were not serious about saving the manufacturing industry. (Time expired)

Senator SESELJA (Australian Capital Territory) (16:10): What we have here from the Labor Party with this motion to take note of answers is what we have seen with so many other issues. It is a failure to recognise the mess that they have created. The former government now wants to blame everyone for the situation that they created. But first we have to go back to the dishonesty of the previous government in talking about Holden and in talking about the car industry. We go back to former Prime Minister Julia Gillard, speaking in March 2012. She said:

Holden will be here in Australia producing cars for at least the next 10 years. That's great news. And it's as a result of a more than $1 billion co-investment between the Federal Government, the South Australian Government, the Victorian Government and of course Holden …

And then we see the accompanying media release states:

The Prime Minister said the Federal Government’s contribution would be $215 million …

That was in March 2012. In November 2012, having apparently saved Holden, 180 jobs were cut at Holden's plant in Elizabeth in South Australia. Some months later, in March 2013, another 500 jobs were cut—400 in South Australia and 100 in Victoria. Then we saw Nick Champion, the member for Wakefield in South Australia, claiming:

I have secured guaranteed support for GM Holden, Elizabeth, ensuring production until 2022.

That was not true. They did not tell the truth before the election and, as we see with so many other areas of the former Labor government, they failed to tell the truth the right throughout. They created the conditions that made it more difficult for Holden to exist.

Senator Jacinta Collins: Oh, right. Now you're going to hide behind the carbon tax, are you?

Senator SESELJA: Let us look at what the players have said.

Senator Jacinta Collins: That is not true, and you can't substantiate it.

Senator SESELJA: Well, we might go to some quotes.

Senator Jacinta Collins: That is not true, and you can't substantiate it.
The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Order! Senator Collins!

Senator SESELJA: Shall we hear from Mike Devereux? Let us look at the conditions.

Senator Jacinta Collins: You can't call someone a liar and then not substantiate it!

Senator SESELJA: I will respond directly to your interjection, because it is ridiculous. Now I am going to give you some facts. This is what Mike Devereux said:

We cut a deal with the prime minister of the country in the Lodge back in 2008, showed our business plan, as did Ford, as did Toyota, made investments and then midway through … the rules of the game changed.

So it certainly worries a multinational parent company when sovereign risk begins to be something that is bandied about in terms of doing business in Australia.

Senator Jacinta Collins interjecting—

Senator SESELJA: Who said that? Mike Devereux. Mike Devereux talked about you changing the game. He talked about the Labor Party—

The ACTING DEPUTY PRESIDENT: Respond through the chair please, Senator Seselja.

Senator SESELJA: He talked about the Labor Party changing the game. That is what went on here. So we had a government that was prepared to add additional tax imposts on the industry, and perhaps Senator Collins is denying that that was the case. We saw it with the fringe benefits tax—the $1.8 billion announcement that hurt sales. We saw the carbon tax that added hundreds of dollars to the cost of building a car in Australia.

Senator Jacinta Collins: He didn't mention the carbon tax. He made no reference to the carbon tax.

Senator SESELJA: He made no reference? Let us hear from Mike Devereux, in response to Senator Collins. He said:

There is no question that a tax on electricity, in making it more expensive in input costs, makes it more difficult for me to make money building cars.

So, again, you are wrong, and we hear it again and again.

Senator Jacinta Collins: No; you are misrepresenting.

Senator SESELJA: You can interject all you like, but he said it.

The ACTING DEPUTY PRESIDENT: Senator Seselja, I remind you again to direct your answers through the chair.

Senator SESELJA: Thank you, Mr Acting Deputy President. Through you: Mike Devereux said it. In fact, the former industry minister, Kim Carr, also made some suggestions in terms of the government policies and what they did. Kim Carr said:

Unfortunately the Green Car Innovation Fund was abolished, leaving international company executives wondering just what they had to do to get a consistent government policy commitment in Australia.

So there we have it. It is not just the coalition saying it; it is Mike Devereux saying that the conditions put in place by the former Labor government hurt and changed the game, and it is Kim Carr, the former industry minister, saying that the Labor Party changed the policy and that undermined the industry because it was hard to get consistent government policy in
Australia under the Labor Party. This is rank hypocrisy from the Labor Party and should be seen as such. *(Time expired)*

**Senator JACINTA COLLINS** (Victoria) (16:15): There is no question that the world automotive industry is suffering a perfect storm, an enormous challenge. The difficulty we have here in Australia now is that this government has added to that challenge. What is unprecedented is what happened in the House this week. Let me take the Senate back to the precise words of Mr Hockey. He invited us to join with the Acting Prime Minister and the government in calling on Holden to—and listen to this language, because this was the day ahead of Holden making its decision:

… come clean with the Australian people …

Remember the government had not even looked at a business plan, if we take what Senator Ronaldson said today. We were invited to:

… call on Holden to come clean with the Australian people about their intentions here.

He said:

We want them to be honest about it—we want them to be fair dinkum …

International companies heard the government refer to how to proceed with the automotive industry and talk about one of its main operators that way. They also understood that the government had not engaged with this company, had not sought to look at its business plan and had been telling automotive companies that they would wait until after this grand Productivity Commission inquiry, yet all of a sudden Mr Hockey was telling Holden to come clean. Of course, they came clean that day. The message went straight to Detroit. The message that went to Detroit—quite inconsistent with the views of the Australian public at large—was that the government will not support an ongoing automotive industry in Australia. That is what the message was.

Even the facts were wrong. Whilst we had senior ministers leaking out of cabinet against their industry minister in an unprecedented fashion, we also had the lies and the spin about the nature of Australian industry assistance to the automotive sector. Let me redress some of that in the time that I have. The Germans invest in the automotive industry $90 for every German, the United States invests $264 for every one of their citizens and the Swedes invest $334 for every Swede. What do we spend? The Australian investment in the car industry is the lowest per capita in the world, with only $17.40 invested for every Australian, and for this government that is too much.

This government does not accept or understand the broader national interest in maintaining a strong and viable automotive industry, quite contrary to the view of former coalition senators who participated in automotive industry inquiries. For instance, I remember Senator Alan Ferguson from South Australia was a strong supporter of the automotive industry. But where are they now? We do not hear from them about the important issues around South Australian and Victorian jobs. We do not hear any serious concern about ensuring that we maintain manufacturing in this important, high-skilled sector. We do not hear that at all.

I sincerely hope that this government will come to the table with some serious assistance for those workers who will need help in finding a new job. Senator Abetz took umbrage today when his comments from the day before relating to the fair entitlements guarantee were said to have a broader impact. I invite Senator Abetz to have a look at the *Hansard* because he
does refer to other matters. The other matters are those important issues of assisting people to
transfer from one area of employment to another, to reskill and move to other sectors. Indeed,
we are talking about not only the employees of Holden here but potentially the employees of
Toyota, who will have difficulties maintaining their operations because they will need
supplies from other companies that will not have the scale they need to stay in Australia. We
have enormous problems here simply because of this political interference by the Abbott
government. (Time expired)

Question agreed to.

DOCUMENTS

Asylum Seekers

Order for the Production of Documents

Senator CASH (Western Australia—Assistant Minister for Immigration and Border
Protection and Minister Assisting the Prime Minister for Women) (16:21): I table a document
relating to the order for the production of documents concerning undetected boat arrivals.

AUDITOR-GENERAL’S REPORTS

Report No. 11 of 2013-14

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (16:21): In accordance
with the provisions of the Auditor-General Act 1997, I present the following report of the
Auditor-General: Report No. 11 of 2013-14: Performance audit: Delivery of the Filling the
Research Gap under the Carbon Farming Futures Program: Department of Agriculture.

DOCUMENTS

Register of Senate Senior Executive Officers' Interests

Tablings

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (16:22): I present the
Register of Senate Senior Executive Officers' Interests incorporating notification of alterations
lodged between 27 June and 10 December 2013.

COMMITTEES

Government Response to Report

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (16:22): On behalf of
the President, and in accordance with the usual practice, I table a report of parliamentary
committee reports to which the government has not responded within the prescribed period.
The report has been circulated to honourable senators. With the concurrence of the Senate, the
report will be incorporated in Hansard.

The document read as follows—

PRESIDENT’S REPORT TO THE SENATE ON GOVERNMENT RESPONSES
OUTSTANDING TO PARLIAMENTARY COMMITTEE REPORTS
AS AT 12 DECEMBER 2013
PREFACE

This document continues the practice of presenting to the Senate twice each year a list of government responses to Senate and joint committee reports as well as responses which remain outstanding.

The practice of presenting this list to the Senate is in accordance with the resolution of the Senate of 14 March 1973 and the undertaking by successive governments to respond to parliamentary committee reports in timely fashion. On 26 May 1978 the Minister for Administrative Services (Senator Withers) informed the Senate that within six months of the tabling of a committee report, the responsible minister would make a statement in the Parliament outlining the action the government proposed to take in relation to the report. The period for responses was reduced from six months to three months in 1983 by the incoming government. The Leader of the Government in the Senate announced this change on 24 August 1983. The method of response continued to be by way of statement. Subsequently, on 16 October 1991 the government advised that responses to committee reports would be made by letter to a committee chair, with the letter being tabled in the Senate at the earliest opportunity. The government affirmed this commitment in June 1996 to respond to relevant parliamentary committee reports within three months of presentation.

On 29 September 2010, the House agreed to a resolution which places a six month response time on House and joint committee reports tabled in the House. The Senate has not agreed to a similar resolution. Therefore, this list is prepared on the basis of retaining the three month reporting undertaking for Senate and joint committee reports tabled in the Senate.

This list does not usually include reports of the Parliamentary Standing Committee on Public Works, the Parliamentary Joint Committee on Human Rights or the following Senate Standing Committees: Appropriations and Staffing, Privileges, Procedure, Publications, Regulations and Ordinances, Scrutiny of Bills, Selection of Bills and Senators' Interests. However, such reports will be included if they require a response. Government responses to reports of the Public Works Committee are normally reflected in motions in the House of Representatives for the approval of works after the relevant report has been presented and considered.

Reports of the Joint Committee of Public Accounts and Audit (JCPAA) primarily make administrative recommendations but may make policy recommendations. A government response is required in respect of such policy recommendations made by the committee. However, responses to administrative recommendations are made in the form of an executive minute provided to, and subsequently tabled by, the committee. Agencies responding to administrative recommendations are required to provide an executive minute within six months of the tabling of a report. The committee monitors the provision of such responses.

An entry on this list for a report of the JCPAA containing only administrative recommendations is annotated to indicate that the response is to be provided in the form of an executive minute. Consequently, any other government response is not required. However, any reports containing policy recommendations are included in this report as requiring a government response.

Senate committees report on bills and the provisions of bills. Only those reports in this category that make recommendations which cannot readily be addressed during the consideration of the bill, and therefore require a response, are listed. The list also does not include reports by committees on estimates or scrutiny of annual reports, unless recommendations are made that require a response.

A guide to the legend used in the 'Date response presented/made to the Senate' column

* See document tabled in the Senate on 11 December 2013, entitled Government Response to Parliamentary Committee Reports—Response to the schedule tabled by the President of the Senate on 27 June 2013 for Government interim/final response.
** Report contains administrative recommendations – any response to those recommendations is to be provided to the JCPAA committee in the form of an executive minute.

1 See House of Representatives Votes and Proceedings, 29 September 2010, p44

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**Environment, Communications and the Arts References**

| The impacts of mining in the Murray-Darling Basin | 2.2.10 *(presented 4.12.09)* | *(interim)* | No |

**Finance and Public Administration Legislation**

| Plebiscite for an Australian Republic Bill 2008 | 15.6.09 *(interim)* | No |
| The performance of the Department of Parliamentary Services—Interim report | 27.6.12 *(presented 2.8.13)*, Presiding Officers' response, 7.2.13 | No |
| The performance of the Department of Parliamentary Services—Final report | 28.11.12 *(presented 2.8.13)*, Presiding Officers' response, 7.2.13 | No |

**Finance and Public Administration References**

<p>| Staff employed under Members of Parliament (Staff) Act 1984 | 16.10.03 <em>(interim)</em> | No |
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<td><strong>Regional and Remote Indigenous Communities (Senate Select)</strong></td>
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<tr>
<td>Final report 2010</td>
<td>28.9.10 *(presented 24.9.10)</td>
<td>*(interim)</td>
<td>No</td>
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<td><strong>Rural and Regional Affairs and Transport Legislation</strong></td>
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<td>Australian Sports Anti-Doping Authority Amendment Bill 2013</td>
<td>12.3.13</td>
<td>*(interim)</td>
<td>No</td>
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<td>Competition and Consumer Amendment (Australian Food Labelling) Bill 2012 (No. 2)</td>
<td>14.5.13 *(presented 25.3.13)</td>
<td>*(interim)</td>
<td>No</td>
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<tr>
<td><strong>Rural and Regional Affairs and Transport References</strong></td>
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<td>The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—First report</td>
<td>18.3.10</td>
<td>*(interim)</td>
<td>No</td>
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<td>The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—Final report</td>
<td>23.6.10</td>
<td>*(interim)</td>
<td>No</td>
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<td>Management of the Murray Darling Basin—Interim report—The impact of mining coal seam gas on the management of the Murray-Darling Basin</td>
<td>7.2.12 *(presented 30.11.11)</td>
<td>*(interim)</td>
<td>No</td>
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<td>Operational issues in export grain networks</td>
<td>10.5.12 *(presented 16.4.12)</td>
<td>*(interim)</td>
<td>No</td>
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<td>Examination of the Foreign Investment Review Board national interest test—Interim report: Tax arrangements for foreign investment in agriculture and the limitations of the Foreign Acquisitions and Takeovers Act 1975</td>
<td>28.11.12</td>
<td>*(final)</td>
<td>No</td>
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<tr>
<td>The management of the Murray-Darling Basin—Final report</td>
<td>13.3.13</td>
<td>*(interim)</td>
<td>No</td>
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<td>Aviation accident investigations</td>
<td>17.6.13 *(presented 23.5.13)</td>
<td>*(interim)</td>
<td>No</td>
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<td><strong>Rural and Regional Affairs and Transport References (continued)</strong></td>
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<td>Auditor-General's reports on Tasmanian Forestry Grants Programs</td>
<td>19.6.13</td>
<td>*(interim)</td>
<td>No</td>
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<tr>
<td>Foreign investment and the national interest</td>
<td>26.6.13</td>
<td>*(interim)</td>
<td>No</td>
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Thursday, 12 December 2013

Committee and title of report | Date tabled | Date report presented/made to the Senate | Response made within specified period (3 months)
--- | --- | --- | ---
First report—Beef imports | 12.11.13 (presented 12.7.13) | - | No
Practice of sports science in Australia | 12.11.13 (presented 23.7.13) | - | No
Interim report—Ownership arrangements of grain handling | 12.11.13 (presented 30.8.13) | - | No
Final report—Ownership arrangements of grain handling | 4.12.13 | Not required | -

**Treaties (Joint Standing)**

Report 128—Inquiry into the Treaties Ratification Bill 2012 | 16.8.12 (tabled HoR 15.8.12) | *(interim)* | No
Report 130—Treaty tabled on 14 August 2012 | 31.10.12 | *(interim)* | No
Report 133—Treaties tabled on 1 November 2012 | 27.6.13 (tabled HoR 27.5.13) | Not required | -
Report 134—Treaties tabled on 12 March and 14 May 2013 | 27.6.13 | - | No
Report 135—Treaties tabled on 12 March and 14 May 2013 | 12.11.13 (presented 23.7.13) | Not required | -
Report 136—Treaty tabled on 14 May 2013 | 12.11.13 (presented HoR 5.8.13) | - | No

**BILLS**

**Commonwealth Inscribed Stock Amendment Bill 2013**

**Assent**

Message from the Governor-General reported informing the Senate of assent to the bill.

**DOCUMENTS**

**Tabling**

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (16:23): I present a schedule of special purpose flights for the period 1 January to 30 June 2013. I also table reports of the Independent National Security Legislation Monitor and the Social Security Appeals Tribunal. I also table a document responding to the resolution of the Senate of 11 December 2013 concerning the Trans-Pacific Partnership.
I present the 155th report of the Committee of Privileges, entitled Person referred to in the Senate: Father Frank Brennan SJ AO.

Ordered that the report be printed.

Senator JACINTA COLLINS: by leave—I move:

That the report be adopted.

This is the 65th report in a series of reports recommending that a right of reply be afforded to persons who claim to have been adversely affected by being referred to in the Senate either by name or in such a way as to be readily identified. On 10 December 2013 the President received a submission from Father Frank Brennan SJ, AO relating to a speech made by Senator Brandis during ministerial statements on 4 December. The President referred the submission to the committee under privileges resolution No. 5.

The committee considered the submission at its meeting today and recommends that the proposed response be incorporated in Hansard. The committee reminds the Senate that in matters of this nature it does not judge the truth or otherwise of statements made by honourable senators or the persons referred to. Rather it ensures that the persons’ submissions and ultimately the response to them are in accord with the criteria set out in privileges resolution No. 5. I commend the motion to the Senate.

The response read as follows—

Appendix
Response by Father Frank Brennan SJ AO
Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988
Reply to statement by Senator the Hon George Brandis
(4 December 2013)

I claim to have been misrepresented and wronged by Senator the Hon George Brandis QC. I ask that this matter be referred to the Senate Privileges Committee.

Senator the Hon George Brandis QC told the Senate (Hansard 4/12, p.44) in a Ministerial Statement on National Security that on the evening of 3 December 2013 “rather wild and injudicious claims were made …disappointingly, by Father Frank Brennan, that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”.

I am Fr Frank Brennan SJ AO, professor of law at the Australian Catholic University, and adjunct professor at the Australian National University.

Attached please find the transcript of my interview on the ABC 7.30 program on 3 December 2013, and an article from The Guardian dated 3 December 2013 entitled “Timor-Leste spy case: ‘witness held, and lawyer's office raided by ASIO’” which formed the only basis for Senator Brandis’s adverse remarks about me.

On the evening of 3 December 2013, I did not claim “that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration”. I did not imply this in what I said. No reasonable listener would infer this from what I said. I do concede that many listeners being acquainted
with the fact that raids had occurred and with the timing of the raids might have made presumptions about the likely effect of the raids on any pending arbitration. Some might even have speculated about the purpose of those who instituted the raids. But I made no claims about the intent to impede or subvert any arbitration. A statement of fact that raids had occurred and that arbitration was pending could not be classified as a “wild and injudicious claim” unless of course the raids did not occur or the arbitration was not pending. Senator Brandis admits that the raids occurred and that the arbitration was pending.

The assertion by Senator Brandis, garnished with a loose characterisation of my remarks as “rather wild and injudicious claims”, may reflect adversely on my character and standing as a professor of law, Catholic priest, and public advocate for social justice who studiously and professionally avoids making wild and injudicious claims.

I seek the right of reply. I claim to have been misrepresented by Senator Brandis. I have had the opportunity for a frank and amicable discussion with the Senator and I am satisfied that he had absolutely no intention of impugning my character. We have known each other for decades and we are well used to robust, respectful public discussion.

Please be assured my availability to assist the Committee in any way possible. I look forward to a prompt resolution of this matter.

Question agreed to.

**Procedure Committee**

**Report**

**Senator PARRY** (Tasmania—Deputy President of the Senate and Chairman of Committees) (16:25): I present the second report of 2013 of the Procedure Committee.

Ordered that the report be printed.

**Senator PARRY**: by leave—I move:

That consideration of the report be made a business of the Senate order of the day for the next day of sitting.

The report I have just presented makes two recommendations for consideration by the Senate. But, in order to give senators time to examine the proposals, I am moving that the report not be considered until early next year. The first recommendation proposes the permanent adoption of the five-, 10- and 20-minute time limits for the open-ended adjournment debate on Tuesdays. The committee believes that the trial has worked successfully and that senators find the new arrangements convenient. In these circumstances, there is no reason for the changes not to become permanent.

The second recommendation completes the last instalment of changes required to ensure that standing orders are framed in gender-neutral language. It proposes to replace the term 'Chairman' with the term 'Chair'. Currently both terms are used inconsistently throughout the standing orders and the committee considered it was time to standardise the language.

I also draw the attention of senators to the committee's consideration of whether absolute privilege should be extended on the republication of extracts of *Hansard*. The committee is of the view that it should not be, but senators interested in this issue will find a comprehensive discussion paper in attachment 1 to the report. I commend the motion to the Senate.

Question agreed to.
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

Membership

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson) (16:28): The President has received letters from party leaders requesting changes in the membership of committees.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (16:28): I move:

That senators be discharged from and appointed to committees in accordance with the document circulated in the chamber.

The document read as follows—

Abbott Government's Commission of Audit—Select Committee—

Appointed—

Senators Bernardi, Bushby, Dastyari, Di Natale, Lines, Lundy and Smith


Education and Employment References Committee—

Appointed—

Substitute members:

Senator Hanson-Young to replace Senator Rhiannon for the committee’s inquiry into the immediate future of the childcare sector in Australia

Senator Hanson-Young to replace Senator Rhiannon for the committee’s inquiry into the delivery of quality and affordable early childhood education and care services

Participating member: Senator Rhiannon

Foreign Affairs, Defence and Trade—Joint Standing Committee—

Discharged—Senator Ludwig

Appointed—Senator Bishop

Foreign Affairs, Defence and Trade Legislation Committee—

Appointed—

Substitute member: Senator Ludlam to replace Senator Whish-Wilson for the committee’s inquiry into the Defence Legislation Amendment (Woomera Prohibited Area) Bill 2013

Participating member: Senator Whish-Wilson
Intelligence and Security—Joint Statutory Committee—
Appointed—Senators Bishop, Eggleston, Fawcett, Faulkner and Ludwig, pursuant to the Intelligence Services Act 2001

Legal and Constitutional Affairs Legislation Committee—
Appointed—
Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the Migration Amendment Bill 2013
Participating member: Senator Wright

Legal and Constitutional Affairs References Committee—
Appointed—
Substitute member: Senator Ludlam to replace Senator Wright for the committee’s inquiry into the comprehensive revision of the Telecommunications (Interception and Access) Act 1979
Participating member: Senator Wright

Rural and Regional Affairs and Transport References Committee—
Appointed—
Substitute members:
Senator Rhiannon to replace Senator Whish-Wilson for the committee’s inquiry into public transport
Senator Siewert to replace Senator Whish-Wilson for the committee’s inquiry into the implications of the restrictions on the use of Fenthion on Australia’s horticulture industry
Senator Siewert to replace Senator Whish-Wilson for the committee’s inquiry into the future of beekeeping and pollination service industries in Australia
Senator Siewert to replace Senator Whish-Wilson for the committee’s inquiry into grass-fed cattle levies
Participating member: Senator Whish-Wilson

School Funding—Select Committee—
Appointed—
Senators Collins, Kroger, McKenzie, O’Neill, Urquhart, Williams and Wright

Question agreed to.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (16:28): I seek leave to make a brief statement in relation to the committee memberships.

The ACTING DEPUTY PRESIDENT (Senator Whish-Wilson): Leave is granted for one minute.

Senator CASH: In relation to the Joint Committee on Intelligence and Security, I inform the Senate that three coalition senators were appointed on 13 November. As a result of
changes to the committee requested by the opposition and the government, the coalition Senate positions have been reduced from three to two. I indicate to the Senate that the Deputy President of the Senate, Senator Parry, has volunteered to come off the committee.

REGULATIONS AND DETERMINATIONS

Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013

Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013

Disallowance

Senator POLLEY (Tasmania) (16:29): I move:

No. 1—That the Residential Care Subsidy Amendment (Workforce Supplement) Principle 2013, made under the Aged Care Act 1997, be disallowed, and

No. 2—That the Aged Care Subsidies Amendment (Workforce Supplement) Determination 2013, made under the Aged Care Act 1997, be disallowed.

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

The Senate divided. [16:34]

(The President—Senator Hogg)

Ayes ......................34
Noes ......................26
Majority...............8

AYES

Bilyk, CL (teller)             Brown, CL
Cameron, DN                  Collins, JMA
Conroy, SM                    Dastyari, s
Di Natale, R                  Farrell, D
Furner, ML                    Gallacher, AM
Hanson-Young, SC              Hogg, JJ
Lines, S                      Ludy, KA
Ludwig, JW                    Milne, C
McLucas, J                    O’Neill, DM
Moore, CM                     Polley, H
Peris, N                      Rhiannon, L
Pratt, LC                     Singh, LM
Siewert, R                    Thorp, LE
Sterle, G                     Urquhart, AE
Tillem, M                     Whish-Wilson, PS
Waters, LJ                    Wright, PL
Wong, P

NOES

Abetz, E                      Bernardi, C
Birmingham, SJ                Boyce, SK
Bushby, DC                    Cash, MC
Colbeck, R                    Eggleston, A
Fawcett, DJ                   Fieravanti-Wells, C
Fifield, MP                   Heffernan, W
Kroger, H                     Mason, B
Senator McEwen did not vote, to compensate for the vacancy caused by the resignation of Senator Joyce.

Question agreed to.

MOTIONS

Abbott Government

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:37): At the request of Senator Moore, I move:

That the Senate condemns the Coalition for its failure to honour its pre-election commitments to the Australian people.

Today is just short of 100 days since the election, and I think what we have seen since that time is a very clear indication of what sort of government the Abbott government is and what sort of government it will be. This is a government that is time and time again, in the short period since the election, walking away from its pre-election commitments to the Australian people. This is not the government it said it would be. It has been very clear from the commencement of the government that this is not the government it said it would be.

There are many, many areas which we could go to to demonstrate this. Perhaps we should start with the biggest issue of the moment and certainly one of the biggest issues facing my home state of South Australia, as well as the state of Victoria and workers around this country, and that is in relation to the car industry and the extraordinarily sad, distressing announcement by General Motors-Holden that they intend to cease manufacturing in Australia. I think it is very interesting if you go back to look at some of the things that the coalition told Australians before the election. They said:

The Coalition is committed to supporting a viable automotive sector in Australia for the long term. We have always worked closely with the car industry and will continue to do so.

Yes, we really saw that in this last week, didn't we? Do you know what we saw? We saw the government first say to Holden and to the rest of the automotive sector, 'Not only are we going to take $500 million off you between now and 2015; we are also going to put you into a period of uncertainty by sending the prospect of any further assistance off to the Productivity Commission review.' What did the government do? They said to Holden, 'Don't make a
decision prior to the PC reporting.' But that did not suit the game plan of some of those opposite.

So what have we seen instead from the people who told Australians that they were committed to supporting a viable automotive sector in Australia for the long term and that they had always worked closely with the car industry and would continue to do so? We have seen since Thursday of last week senior economic ministers in this government briefing the newspapers and the ABC that a decision had already been made. What extraordinary economic irresponsibility that a minister of the Crown, in the context of a negotiation around further industry support in the years ahead, would actually lean on a company by anonymously briefing the newspapers that a decision had already been made. That was a blatant attempt to strongarm the negotiations from some on that side—including, I would suggest, the Treasurer of this nation, who recognises that he did the wrong thing when it came to GrainCorp and needed to make what he saw as a hard decision on auto assistance in order to prove his credentials. What we saw on Thursday, Friday, Saturday, Sunday, Monday and Tuesday, and on, was continued briefing by ministers in this government against General Motors-Holden. But, as if that irresponsibility were not enough, we then saw the Treasurer of this country stand up in the other place and goad General Motors-Holden to make a decision: 'Are you in or are you out?' Well, he got what he wanted: he got a decision.

The chaos that is this government is really demonstrated by two documents in this whole sad debacle, in which the price is paid by Australian workers: first, the Acting Prime Minister of the country demanding the day before the closure decision that Holden make a decision; and then the media release from the Minister for Industry, in which he said, 'We are disappointed that Holden did not wait for the conclusion of the Productivity Commission review before making a decision.' So the Acting Prime Minister demanded that a decision be made; the industry minister, who I suggest was the only minister who was actually advocating for this industry and the workers and the families of those workers in this industry, made it very clear he was not in the cart either for the overt strongarming by the Acting Prime Minister and the Treasurer or for the leaking from cabinet colleagues. This is from the government that said in opposition that they were committed to supporting a viable automotive sector and that they had always worked closely with the car industry and would continue to do so.

But, of course, this is not the only example of the way in which this government, in less than 100 days, has sprinted away from commitments that it made to the Australian people. Perhaps one of the best examples of that comes from Mr Pyne and Mr Abbott when it comes to schools. I think we can all remember in the course of the last few years the different positions that have been articulated by the coalition when it comes to schools and the former Labor government's Better Schools reform.

I can recall Mr Abbott and Mr Pyne attacking the Better Schools Plan, calling it a 'conski' up hill and down dale. They said they did not like it; it was a con and a dreadful thing. They said it was outrageous and they wanted to keep the existing system, which, of course, guaranteed unfairness in our society and unfairness in our schools and which is broken and does not address what is required for schools in Australia in the 21st century. That was the system that Mr Abbott and Mr Pyne were supporting. Then, all of a sudden, in the lead-up to
the election, they had this miraculous conversion, in which suddenly Mr Abbott made it very clear that he really loved the Better Schools Plan. After bagging and criticising that plan, suddenly the Liberal Party loved it—they suddenly loved equity; they suddenly loved making sure that students around this country could receive the same level of resourcing plus loadings. They suddenly realised that it was needed to make sure every child in every school could be the best that they could possibly be, because that is the fundamental principle at the heart of the former Labor government’s Better Schools Plan—that you invest in ways that ensure that every child in every school can be the best that they can be. This was the model that those opposite panned and criticised until, in the lead-up to the election, they suddenly had a conversion. They told the Australian people: ‘Guess what, we love the Better Schools Plan; we love it. And, guess what, we are on a unity ticket. Isn’t that fantastic? You can vote for us and it will be exactly the same. We will honour all the commitments.’

Anybody watching what occurred in this last month would know that that was a lie. It is a lie that has been partially rectified, because even Tony Abbott realised that it was just too bad, but his intentions were absolutely clear. Post the election, the government—the government that was going to be a grown-up government; the government that promised no surprises—that had said in opposition it would honour all commitments that the then Labor government had entered into had a change of heart. Then we saw Minister Pyne say: ‘I do not like the Gonski model; we need to go back to the drawing board. There are no finalised agreements with Victoria, Tasmania and the Catholic sector. It is all Labor’s fault.’ And then it was all the media’s fault, and then he argued that the Howard era SES model was the best model to base a new one on. Then, when everybody across this country, quite reasonably, was completely outraged at the extraordinarily blatant breach of faith—a breach of trust with the Australian people—all of a sudden the Prime Minister had to find a solution. His solution was that they would strike a deal with Western Australia, Queensland and the Northern Territory, but, of course, the details would not be released, though they confirmed that states could pretty well do what they liked with the money. It was an interesting negotiation that went something like this: ‘Hello, WA. We would like to send you some money.’ ‘Oh, yes, that would be great. Thank you very much. Bye.’ That was the negotiation for political convenience that occurred on the other side. It had no focus and no transparency on the outcomes for students and parents across the country.

I thought that the day prior to that hasty announcement was very telling. The decision, in which $1.2 billion of taxpayers’ money was spent without getting any commitment from the states that they would not reduce funding, did not even go to the cabinet. That is a most important consideration: if you as a federal government are going to put more funding into schools, you want to make sure the states do not simply pull money out. You do not just put money into a leaky bucket. It is very clear that this government has not ensured that the states cannot withdraw money. Poor old Senator Cormann was not even in the room when the decision to spend another $1.2 billion was made—something that someone conveniently leaked to the newspapers. I digress. I thought the most interesting interview that the Prime Minister has done since the election was on the Bolt Report the day before the press conference in which the government threw money at a broken promise in the hope that no-one would notice. He said:

We are going to keep the promise that we actually made, not the promise that some people thought that we made, or the promise that some people might have liked us to make.
What he was saying was: 'You know when I said there is a unity ticket there was a little asterisk and a little footnote at the bottom that said, "Well, we don't actually mean this and we are not actually going to do what Labor would have done." And when I said we will honour all agreements there was also a little asterisk there that said, "Well, actually, we do not mean that because we are going to run a lawyer's argument that the agreements were not really signed."

It really gave an insight into the sort of Prime Minister that this Prime Minister is. He wants to pretend that he is keeping his commitments and he wants to pretend that is keeping faith, but he is quite happy to make a decision to mislead the Australian people about the commitment that was made. He is quite happy to pretend and mislead people about what commitment was actually made. What he is saying there is: 'You did not get it right.' The reality is that he was breaking his promise and he then lied about whether or not he was breaking the promise.

Another area in which this government is doing something very different to what it promised is its utterances on debt. Prior to the election, you could say there was a fair bit of focus on debt and public finances and, frankly, a lot of lies were told by those opposite about the state of the nation's finances. I predict a lot of lies will be told in the midyear budget update next week, because the political strategy is very clear. On that point, let me make this point: today in question time not a single South Australian or Victorian senator asked the government to outline its plans to help and support workers at Holden plants in their states. What they wanted to do is play politics with the National Broadband Network. That was their priority, and it really says something about this government. They are so anxious to find someone else to blame for not keeping their promises that they have to do an NBN strategic review, create a budget emergency and tell Australians, as the Prime Minister did, 'You heard it wrong.' When it comes to childcare workers, they have to try and get someone else to break their promises because they want them broken.

In question time today, it was very interesting that the focus of the coalition was so much on making a political attack on the National Broadband Network that senators from these states could not be bothered to ask a question about thousands of workers, who must be devastated about the announcement yesterday. It really says something about the values and priorities of this government.

I come back to the issue of debt. We were told before the election that the coalition was the party of no debt. We were told before the election by Mr Abbott that he would lead a government of no debt. Before the election, they said that all debt was bad, that more debt was not the answer and that Australia was drowning in debt. Then, after the election, they went from being the government of no debt to the government of half a trillion dollars worth of debt and now to the government of unlimited debt. In order to be the government of unlimited debt, they had to do a deal with the Australian Greens, the party they described as the 'economic fringe dwellers', to ensure they could get their unlimited debt provision through the parliament.

This is from the Prime Minister who said he would lead a government of no debt. This is from a man who said he would not lead a party that did deals with the Australian Greens. That did not take long to break, did it? 'We are not going to do deals with the Australian Greens,
except when they are going to vote for having unlimited debt,' which is something that they never told Australians before the election.

In the last few minutes, I will return to child care. We could talk about boats, about what happened to the 'buy back the boats' policy and the 'turn back the boats' policy and about a government that was supposed to be open and transparent imposing the greatest level of secrecy I think anyone in this chamber has ever seen when it comes to this issue and many other issues, but I want to talk briefly about child care. One of the decisions of the Labor government was to create an Early Years Quality Fund as part of a range of reforms over a number of years to child care. I am the first to say that this is a policy challenge that requires reform over a number of years—more than one or two terms of government—because it is a transformation of the sector. But part of that reform process is recognising that these workers—these educators—are paid far too little for the work they do.

As a nation, if we decide that we want quality child care and want to ensure that our children receive that care from people who have appropriate skills, then we have to be prepared to renumerate them. The former government had the Early Years Quality Fund. This was something that had a lot of support in the community. The coalition said before the election that they would promise to honour the Early Years Quality Fund wage increases. In fact, last week in parliament, the Prime Minister told the chamber that his government would keep its election promise to honour these contracts. He said:

We will absolutely honour all of our commitments, and contracts which have been entered into will be honoured.

Guess what has happened since? They had already factored in the saving from breaking that promise, and, all of a sudden, the Prime Minister has said on the floor of the parliament, clearly not knowing what he was committing to: 'Actually, yes, we're going to do what we said before the election'. And in response everyone has said, 'Oh, no! We have already factored in that saving. He said the wrong thing; he had the wrong brief.' So the minister comes out and says, 'We are inviting you to do the right thing and return the money. We want to break our election commitment, but, actually, we are going to try and get you to do it for us.' What an unbelievably cynical position to take.

This is a government that promised before the election that it would increase accountability and enhance transparency. But what have we seen? We have seen secrecy. We have seen this chamber treated with contempt by ministers on the other side. I understand that there is a bit of argy-bargy in question time, but the minister—particularly the minister who is in the chamber today, Minister Cash—has treated this Senate in question time with absolute contempt. Their essential proposition is: 'I know that in our political tradition question time is where ministers have to answer questions, but—guess what—it is not Friday, so I'm not going to tell you anything.'

Whether it is on education, Australian jobs, the car industry, debt, boats, childcare workers or openness and transparency—and the list could go on—in less than 100 days, we have seen what sort of government this will be. It is a government that walks away from its promises to the Australian people. It is a government that does not honour its commitments and it is a government that breaches faith and trust with the Australian people time and time again. We already know what they are like. (Time expired)
Senator BIRMINGHAM (South Australia—Parliamentary Secretary to the Minister for the Environment) (16:58): Hypocrisy, thy name is the Australian Labor Party. We have just listened to that—

Senator Wong: It's all very private school debating society.

Senator BIRMINGHAM: You are the one who went to a private school, Senator Wong.

Senator Wong: That's true!

Senator BIRMINGHAM: Thank you.

Senator Cameron: I didn't.

Senator Polley: Mr Acting Deputy President, I raise a point of order. I ask you to direct the senator back to relevance instead of personal assaults.

The ACTING DEPUTY PRESIDENT (Senator Furner): There is no point of order.

Senator BIRMINGHAM: Grow up, Senator Polley. Really—

The ACTING DEPUTY PRESIDENT: Senator Birmingham, I will have you address your comments through the chair.

Senator BIRMINGHAM: Thank you, Mr Acting Deputy President—with your stern voice! Hypocrisy, thy name is the Australian Labor Party, because what we just heard was a remarkable tirade from Senator Wong, who, for six long years, was a senior cabinet minister and a member of the leadership group in a government that could not lie straight in bed and in a government that systematically broke every clear-cut commitment it seemed to ever make to the Australian people. Way back in the days, a sanctimonious Kevin Rudd, the opposition leader, would stand before the Australian people and pretend to be 'John Howard lite' and plead about how he would run a government of fiscal conservatism that would not be blundering into the debt levels that we had seen from previous Labor governments.

But of course he did not. He didn't, did he? He plundered the debt. He went straight in, as deep as he possibly could, as soon as he possibly could, and we saw him spin about as fast as he possibly could. No longer was he the fiscal conservative. Instead, he was the man writing essays for The Monthly talking about just how we needed to turn around from the capitalist regime and how we needed to turn back to some form of greater government involvement and government spending—and did he spend!

He, of course, was replaced. The Labor Party could not even manage to keep a commitment to the Australian people about who the Prime Minister of the day would be, so they rolled Mr Rudd and put in Ms Gillard just before the 2010 election. She went through that election, and what wonderful words did she have to say? 'There will be no carbon tax under a government I lead'—the infamous words, the words that came to haunt her and haunt the government, the words that she then broke. Pretty much the moment she had been elected at the 2010 election, she struck a deal with the Australian Greens and broke that clear-cut commitment, and off went the government on another flight of fancy.

We could go through Senator Conroy's National Broadband Network, the $4.7 billion NBN that was going to be complete by 2013. Here we are in December 2013, and we discover it was going to actually take more than $70 billion and take until 2024. So much for the word of those opposite.
So it is remarkable that, after just three months of a new government, Senator Wong comes into this chamber, moves a motion and tries to get all preachy about trust and honesty and truthfulness. But I will happily address some of the issues that Senator Wong went through in her comments and try to demonstrate to the chamber how wrong they were but also, importantly, where and how this government is setting about meeting and honouring its commitments.

Senator Wong started on the topic of the car industry. It is a tragedy that yesterday General Motors made the announcement they did. It is a tragedy.  

Senator Farrell: You could have saved that company.

The Acting Deputy President: Order!

Senator BIRMINGHAM: Senator Farrell and others—through you, Mr Acting Deputy President—sat on their hands in government while Labor broke, in the last two years, $1.4 billion of their own promised funding commitments as they chopped and changed in government. That was $1.4 billion that they chopped and changed in government, of their own funding commitments. The broken carbon tax promise slugged the whole automotive sector with a $460 million additional cost impost. Former Prime Minister Julia Gillard went along to Ford, promised them $34 million and said it would create 300 jobs, yet within eight months 330 jobs were gone. The same Prime Minister announced $215 million for Holden, saying it would secure its future in Australia until 2022, but within months 670 jobs were lost.  

Senator Farrell interjecting—

Senator BIRMINGHAM: All of that demonstrates, Senator Farrell, if you think about it, that, for all the money being thrown at the industry, it was still going backwards. That is the reason why in 2008, for all the money that had been thrown at it, Mitsubishi left. Earlier this year, for all the money that had been thrown at it, Ford announced it was closing its doors.

This, of course, is because we had become such an unsustainable, uncompetitive place in which to do business. The core of this government's commitment is to reduce the cost of business for Australia.

Senator Farrell: $150 million would have kept them going. That was all you had to do.

Senator BIRMINGHAM: That is just a lie, Senator Farrell. You know that.

Senator Farrell: It's the truth.

Senator BIRMINGHAM: No, it's not. The business model was unsustainable, and it is very clear for all to see that that had become an unsustainable business model. And the problem facing Australia is that, if those opposite do not wake up and realise that we need to do something about the level of taxation in this country, that we need to do something about the level—

Senator Farrell: Get a government that cares about manufacturing.

Senator BIRMINGHAM: You cared so much you watched two of the manufacturers walk right out the door, Senator Farrell, and basically Holden did it on your watch as well. Really, you just think about it. Within three months, they followed the previous two. The industry collapsed under your watch.
The ACTING DEPUTY PRESIDENT: Senator Birmingham, take your seat.

Senator Farrell interjecting—

The ACTING DEPUTY PRESIDENT: Order! Senator Birmingham.

Senator BIRMINGHAM: Thank you, Mr Acting Deputy President. The truth is that those opposite need to wake up and realise that we have to reduce the cost base of doing business in this country. We have to reduce the cost of taxes of doing business. We have to reduce the regulatory burden of doing business in this country. And, if we are to succeed as a government in doing that, we need to be able to pass some legislation through this Senate. We need to be able to get it through the Senate to ensure that we do not face more situations like Holden in future.

The remarkable thing is that, whilst the Labor Party in government spent all their time breaking the promises they had made to the electorate, in opposition the Labor Party seem to be spending all of their time trying to stop our government from honouring the promises we have made to the electorate. We told the electorate very, very clearly that we would repeal the tax, yet those opposite and those on the crossbenches will not even let us get it to a vote. They will not even let us have a vote on it, let alone accept the mandate and the commitment we made to repeal the carbon tax, to repeal the mining tax, to strip some red tape and some green tape out of this economy and to try to get us to a position where the long-term economic fundamentals stack up so that we do not see more instances like Holden, so that we do not see more companies leaving Australia, but we actually have a lower cost place in which to do business and an attractive place in which to invest so that we might actually see new jobs created in the future. This government will not step away from those core principles. We will, day in, day out, whilst we are in office, seek to reduce those cost pressures, generate the jobs and create a sustainable situation for Australian industry into the future.

Senator Wong also had the gall to come in here and talk about debt, which was hard to believe. I admire her front, at least. Senator Wong had the front and the gall to come in here and talk about broken promises on debt. As I indicated, I can remember in 2007 when Mr Rudd was going to be the fiscal conservative. Instead, he inherited an office with around $50 billion in the bank, but then the Labor Party kept up racking up deficit after deficit—record deficit after record deficit. They had to change their own debt limit not once, when in 2008 they lifted it to $75 billion, not twice, when in 2009 they lifted it to $200 billion, not three times, when in 2011-12 they lifted it to $250 billion, but four times in six years when they had to lift the debt limit to $300 billion in the end. Even then when they left office it was hurtling past the $300 billion level, well towards and beyond $400 billion in gross debt that, because of Labor's budget mismanagement, they had racked up—a remarkably sad and tragic legacy of those opposite. But they come in here and have the gall to talk about debt.

It is bad enough they have the gall to talk about debt, because they racked it all up; it is equally bad that they are now trying to block us from doing the things we said we would do to try to rein that debt in. Labor are even opposing some of their own savings measures. What they committed to before the election they are now blocking and opposing in the Senate after the election. All up, the Labor Party are blocking around $20 billion of savings measures the government has identified, $5 billion of which was identified by their own government and that they said they would make if they won the last election. They are now coming into this
place and voting against that having lost the election. This is a remarkable turn of events from the Labor Party.

They said they would freeze the indexation of the childcare rebate. Senator Wong spent a little time talking about childcare issues. They said they would freeze the indexation of the childcare rebate. Now it seems they are revisiting that. They announced $2.3 billion of higher education savings on 13 April this year. At the time Prime Minister Gillard said, 'Some of the biggest businesses in our nation can forego an extra research and development tax credit to fund this package.' That was the argument used by Prime Minister Gillard and Labor then, but no more. The Labor Party want to block that too. It is their own measure they are blocking.

As an opposition we were very honest and upfront when it came to matters such as the schoolkids bonus. There have not been too many times in this nation's history when an opposition has gone to an election saying quite clearly, 'Yes, the government are making a payment to families across Australia and we are going to axe that payment.' But we did. We were honest. We told the public that that was what we were going to do, that it was unsustainable in the budget because it was funded from an unsustainable mining tax that does not generate sufficient revenue. We were very clear and upfront with the Australian people.

We have come to office. We are trying to implement our promise. Once again, we find the Labor Party blocking us in that implementation. We find the Labor Party stopping us from being able to go through and implement something that, frankly, we could not have been more honest and upfront about before the election and that we could not be more honest about in attempting to implement after the election. Whether it is on debt, the carbon tax or the range of measures before the Senate at present, the Labor Party seem to be spending all their time trying to stop us from actually implementing our promises. That is why it is so remarkable that they want to come in here and have a debate about the implementation of promises.

Senator Wong also raised school funding. She talked about school funding. Again, it was remarkable front from Senator Wong, who would have been the finance minister to sign off on the stripping of $1.2 billion in funding out of the budget just before the election. That was a $1.2 billion cut that ensured that they could not implement school funding reforms across Australia and could not deliver funding promised to every state and territory. They took it out of the budget to fudge the budget bottom line. That was the step taken by Senator Wong.

Our government have recommitted that funding. We have put it back in so that it will not matter whether you go to school in a state that signed up beforehand or a school in Queensland, the Northern Territory and Western Australia, you will still get that funding flowing through. That is the commitment that we made. It is a commitment that we are honouring. We are honouring it despite the fact that the Labor Party in a budget sleight of hand did everything they possibly could to make it impossible to honour. One can only wonder had they won the last election what they would have done. Would they have then had to find the funding to work with those other states or would they have run a school funding model where they paid significantly less for school students in Queensland, the Northern Territory and Western Australia than they did for all the other jurisdictions? Would that have been of the approach of the Australian Labor Party—to discriminate on how much money you get based on which jurisdiction you happen to go to school in? Would that have been their
approach? Would they have backed away from the savings measures that they had committed to before the election?

It is very clear that we as a government are getting on with not only implementing our promises but fixing up their mess. The area of child care and the Early Years Quality Fund is another classic example of us implementing our promises while fixing their mess. We are committing the entire $300 million towards the education and professional development of long-day-care educators. We are following through on the full investment of that sum of money. We are not keeping the flawed model that we criticised before the election, which Labor was trying to implement and which was just a cruel hoax. The Labor model was only ever going to be accessed by a fraction of childcare workers and was only ever going to fund any type of wages benefit for that fraction of childcare workers for two years.

Labor's claims on this could not be further from the truth. Under their model 70 per cent of long-day-care workers would not have received a dollar of the $300 million fund. All it did was create a pay wall within the sector where, just like the discrimination between states over school funding, there would have been discrimination between childcare centres. Where the level of government funding going to support workers in one childcare centre would have been different from that going to support workers in another childcare centre. What was going to be the defining factor? Pretty much whether or not the United Voice union had signed them up; whether their union buddies gave the tick off on whether they could get the money. Only 16 per cent of the entire childcare sector was going to receive any form of funds from the program and it was only going to last two years.

Once again, what would have happened had the Labor Party won office? Would they have paid it out for two years and then the workers who got it would face a wage cut? Would that have been the option? Or would they have realised they had created a budget black hole. Would they really have continued to run such an equitable system where some workers got it and others did not, depending on whether or not they joined the union?

We are keeping the $300 million. We are investing it in professional development that is open to all long-day-care educators. It certainly will not be preferenced on whether they are active in the union. We hope that, when it comes to wages for childcare operators, we will see a wages ruling soon from the Fair Work Commission, that the independent umpire does what it is expected to do and comes up with a fair ruling.

I come into the chamber amazed at the fact that Labor has the gall and is so full of hypocrisy to want to debate the issue of promises. As a government, we have set about honouring our promises. We have set about fixing up Labor's mess. The only thing getting in the way of our delivering on our promises is the obstructionism of those opposite, who come into this place and block any measures even to extend the sitting hours to bring matters to a vote. The shame lies on their heads. (Time expired)

Senator CONROY (Victoria—Deputy Leader of the Opposition in the Senate) (17:18): I congratulate Senator Birmingham on managing to avoid discussion of his own government's performance over the last 100 or so days. As Senator Birmingham knows, it is quite an extraordinary achievement. I think it has been ranked as the shortest honeymoon in polling history. That is because those opposite are so incompetent, they are such a shambles, that this motion—to demonstrate and highlight that—is absolutely worthy of debate on this floor. We have already seen them want to avoid any discussion in question time of some of
their debacles. They went through what was probably be limpest attempt to suspend standing orders I have seen in six or seven years, pretending they wanted to stay longer. It was just like Senator Birmingham now, who is rushing out of the chamber and who at 7.30 tonight will be rushing out the door to the airport, because he does not want to talk about all of the government’s broken promises. He does not want to discuss the fact that every time we look at this government it is engaged in childish behaviour. Everywhere we look decisions are being made for short-term political gain, not the long-term needs of the Australian public. They are not the government they said they were going to be.

It is increasingly clear that the coalition has a plan for opposition. They are still running the same tired one-liners, pretending that that is a substitute for hard work, policy reform and determined delivery of legislation through the parliament. Within three months—I do not know if it is even 100 days, Mr Acting Deputy President—this government has sold out 50,000 families by publicly goading Holden into leaving Australia. You just had to pick up any newspaper in the last two weeks to find leaks from the cabinet against Minister McFarlane—leaks like: ‘It’s 18 votes to one to give Holden nothing and make them leave the country.’ Headlines such as those in today's and yesterday's Financial Review: ‘Minister Hockey goads GMH.’ This is a government that has set out systematically to drive Holden out of the country and betray 50,000 Australian families.

We have seen education used as a political plaything. The government has shown scant regard for thousands of families and children across this country—but I will come back to that.

I lost count of the number of lies that were exposed and the promises that were broken by Mr Turnbull in his document, at his press conference and in his parliamentary performance today. I lost count of the broken promises. He promised to roll out 25 megabits-speed download to every Australian by 2016. We have seen today that in his own document, a deeply flawed document, written by his handpicked mate—handpicked at taxpayers' expense—whom he owns a yacht with and sails around Sydney Harbour with, has delivered a shonky set of figures and assumptions based on shonky inputs to come up with the numbers that he did. But even that document, based on his own figures for his own rollout, shows that all he will reach—despite promising every Australian that they would be getting an improved broadband speed—is five per cent of Australians by 2016. He made promises to everybody before the election and he is delivering to five per cent of Australians by 2016. So, at every level, this government are sending Australia and Australians backwards. Nothing they do is about the future prosperity of our country. It is quite an extraordinary start. It is quite frankly a disgraceful start.

Holden have been building cars in Australia for 65 years but now they are leaving because this government, the Liberal government, the Abbott government, does not have the wit or the desire to make them stay. Let me be clear: the coalition has abandoned Holden and 50,000 Australian families. It has sabotaged the lives of 50,000 Australian families. They have been abandoned across Victoria and across South Australia, because they rely on the automotive industry to pay their mortgages, to feed their kids and to ensure that they can have a Christmas break in a few weeks time. Before the election, the coalition said that they supported highly skilled manufacturing jobs in Australia. After the election, the coalition have not lifted a finger to help those 50,000 Australians.
The performance of the Treasurer and the Acting Prime Minister this week on this matter has been nothing short of disgraceful. Their performance in the other place left Holden in no doubt that they had no friends in the Abbott government. No one in the coalition was standing up for Holden and the jobs that they represent. Before the election, the coalition promised no decision would be made on Holden before the Productivity Commission reported next year—no decision. After the election, the coalition demanded that Holden make a decision before Christmas. So, before the election it was: no decision is needed until after March next year; in government, it is: we want to know by Christmas. These are job losses of high-skilled jobs. There is a place for these jobs in Australia's future but the government does not get the future.

It really was quite an extraordinary performance on education. We had a minister who wanted to play politics and did not have a single clue about policy. He had not done the hard policy yards before the election. Before the election, the coalition had two diametrically opposed positions on providing extra money for our public schools. When the Better Schools Plan was first announced, you will all remember Mr Christopher Pyne announcing that the coalition considered it to be a 'conski'. It was not a Gonski plan; it was a conski plan. But the political penny dropped fairly quickly for Mr Abbott, at least. I do not know whether the political penny has ever dropped for Mr Pyne. What we then saw was an abandonment of Mr Pyne's policy—an abandonment of the conski before the election. Before the election, the now Prime Minister stood up before the Australian public and said, 'We're on a unity ticket with the Labor government on education.' But after the election what did we get? The education minister reverted back to his true policy position; it was a conski again. There was no more talk of a unity ticket. It was back to the conski.

But, yet again we had a backflip. When you do two backflips like that, you have done a full 360. So you are back to the unity ticket. Twice in three months it is a conski. But, no; Mr Abbott has to roll Mr Pyne again. The finance minister is not even invited to the meeting where they decide that they are going to spend an extra $1.2 billion on an education package. They just tossed it on the table. Before it was: 'No more debt. We can't have more debt.' But over a breakfast $1.2 billion was just tossed in. It was the most expensive breakfast this country has seen in a while—$1.2 billion. What a complete and utter shambles the minister made of education policy in a few short weeks. The government have delivered no certainty to students, no certainty to parents and no certainty to schools.

Mr Pyne has long been known for fighting battles of the past. He has a long memory of all those humiliations he had in student politics. He has never got over them. He is a bit like Senator Abetz—never got over them. So what did he say? What did he say when he went to the meeting of state education ministers? He said, 'No, no. We won't take any money off private schools. All the money that we're missing,' he claimed, 'will come from the public school sector.' Scratch a Liberal—scratch the surface—and there it is: public education does not matter to those opposite. It was all revealed just in that one little conversation he had with a majority of Liberal education ministers. It did not matter if they were signed up to put that money into public education. The true Mr Pyne-Liberal Party position slithered out, under the door of that COAG meeting, to the Australian public.

As I also said a little earlier, when it comes to the National Broadband Network, those opposite have now achieved what Mr Abbott tasked Mr Turnbull to do: demolish the National Broadband Network. Mr Turnbull has run round this country for three long years saying, 'No,
no; I'm not doing what Mr Abbott said. I really believe in faster broadband. I know what Australian families need. He started off in the first 12 months saying, 'No, Australian families can get away with three megs of download.' He quickly realised that was a risible position, so he dumped that. Six months later, it was, 'Twelve megs—that's all Australian families need.' As the echo of laughter subsided around Australia, he realised, 'Oh, dear.' Then he announced he was going to have a 24- or 25-meg plan. This genius, the man who invented the internet in Australia, according to Tony Abbott—what a completely and utterly idiotic statement that was—said, 'I know what Australian families need. They only need 25 megs. They don't need any more.' Well, it is very, very kind of Mr Turnbull and Mr Abbott to decide that they know what is best for Australian families, for the future of Australian kids! They are going to put in place an artificial cap because they are too short sighted, they are too miserly, to actually build the national broadband network that this country is crying out for.

Mr Turnbull can keep talking about incumbents overseas and how they are sweating their copper and that is good thing. He can talk about BT in the UK: 'They built a fibre-to-the-node network. They rolled it out to 16 million homes in just four years—put aside all the prep for that; let's pretend it was four years.' And what is the take-up rate? How many people in the UK have taken up Mr Abbott's preferred version of broadband? Ten per cent. Ten per cent have taken up using Mr Abbott's preferred broadband model in the UK. That sounds like it is worth spending $40 billion on! Yes, despite promising it would cost only $29 billion going into the election, Mr Abbott quickly discovered—when he was told by not a lot of people; just almost every tech journalist in the country!—that it would cost more, that it was rubbish to pretend it was going to cost the $29 billion he was talking about. Those opposite want to spend $40 billion. Actually, I am being cheap there! It is $41 billion. They want $41 billion to build a network that will deliver only 25 megs on a good day. That is a $1½ billion, roughly, per megabyte download. Oh, my God, you are geniuses! Those opposite are geniuses! That is $41 billion to build a network that will be outdated before it is actually finished, because every projection other than Mr Abbott and Mr Turnbull's projection is that Australians will be using and needing more than 50 megs by 2020. Every reputable forecaster says they are going to need more than a $41 billion network can deliver by the time it is finished—every single reputable technology forecaster. But of course we have Mr Abbott—not a tech-head, he admits on television—and Mr Turnbull, the man who invented the internet in Australia and knows what all Australians want!

Well, my goodness, what a promise they have broken today. They have abandoned their commitment to give every Australian fast broadband of 25 megs by 2016. They have abandoned their commitment to build fibre to the node in HFC areas; it is not happening anymore. And, as I said earlier, by 2016, they will have delivered fibre to the node to only five per cent of Australian homes—in three years, five per cent rollout success, and that is before you even ask how many people have started using it.

But the real scandal is that Australians will have to pay again in the future. When it becomes clear over the next few years that the technology forecasters were right and Mr Abbott and Mr Turnbull were wrong, we will have to invest in fibre to the home to meet the demands of Australians anyway. So the scandal of today's announcement is that they are going to spend $41 billion and then Australian taxpayers in the future will have to pay to upgrade the network again.
So this is a government dominated by small-minded ministers, whether it is Mr Pyne—'No, we'll just take money away from the public schools'—or Mr Turnbull—'I know what Australian families need; I know how much they're going to use the internet, and not just today; I don't just know how much Australian families are going to use the internet today; I know what they're going to use the internet for over the next five, six, seven or eight years.' That is the entire basis of Mr Turnbull's policy. What a small-minded man Mr Malcolm Turnbull really is, that he thinks he can speak on behalf of my family; of my daughter, who is seven today, and will be using more and more of the internet over the next five years; of the families of you in the gallery; or of the families of those people who are listening to this broadcast or reading the Hansard in the future. Mr Tony Abbott and Mr Malcolm Turnbull think they know better about what is best for your families.

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (17:38): Just before I make my speech on this motion, I would like to address some issues from the earlier debate on the motion to take note of answers where I reflected poorly on Senator Kim Carr; I seek to withdraw those remarks.

I will move on now to debate the motion before us:

That the Senate condemns the Coalition for its failure to honour its pre election commitments to the Australian people.

That is quite a brash motion to bring before the Senate when the current government is less than 100 days old. No, we did not rush to a 2020 Summit; we did not invite every celebrity across the land to Parliament House with some butchers paper and some whiteboard markers and seek to map out a legislative agenda. No, you are right; we did not do that. We took a very different approach. Our ministers had been working for a long time whilst in opposition to come up with comprehensive plans of how to deal with the travesty that the former government left us with, and those plans are being rolled out in a very clear, methodical way and we are making a great start. So I think this is great hypocrisy from the former government, the now opposition. I think the Australian people have noticed a stark contrast between the behaviour of the past three governments—the Prime Minister Rudd government, the Prime Minister Gillard government, and the Prime Minister Rudd mark-2 government—and that of the Abbott government.

Our national priorities have also been making excellent progress, and I will run through some of those. As I said, the job of cleaning up Labor's mess is not easy, and will take a long time, but we have made an extremely strong start. What I found most challenging, as I sat and listened to the debate across the chamber over the last few days, is the complete denial and rejection by the now opposition of the effect their hand and their policies and their decisions taken over six years and their approach to a variety of portfolio areas has had on the current state of things. So I think this motion is a bit rich. They might have left it a little longer, but no, they jumped the gun—so eager they are that, less than 100 days in, they think they are going to somehow put their mess at our feet, while we are actually just heads down, working at cleaning it up.

We promised legislation to scrap the carbon tax. I just love it! It has been on the Red for a long time, this legislation to scrap the carbon tax. If you, Senator Farrell or Senator Stephens,
were to go out and do a straw poll right across Australia—you could even go to Wycheproof in Victoria; you could go to Cairns, to Burnie, to Kangaroo Island—

**Senator Farrell:** They'd say, 'We want Labor back!' That's what they'd say: 'After three months, we have had enough! Let's get rid of them!' I know Kangaroo Island.

**Senator McKENZIE:** You could ask them, Senator Farrell, though you might want to wait until I ask the question before you attempt to answer it, because the question I would be straw-polling is: 'Do you know what Tony Abbott's government's No. 1 election promise was, prior to election day?' And I can tell you, Senator Farrell, you will get them in droves. To a man, woman and child they will all be able to quote back what Tony Abbott had promised to do, and it was to repeal the carbon tax. We were mocked about how often we said it. And now you stand in the way of what the Australian people voted for, and what has been on our legislative agenda here in the Senate. So for you to be moving a motion here that condemns us for not meeting our election promises while you stand in the way of us actually being able to vote on the No. 1 election promise, despite having the opportunity from day one to do so is, I think, the height of hypocrisy.

You have to accept the will of the Australian people. They were very, very clear. We promised legislation to scrap Labor's disastrous mining tax—a tax without revenue that has hit at confidence in this vital sector. It is time for the mining tax to go. It is also on the Red. We can vote on it anytime you like. You can assist us. You do not have to condemn us. You can actually assist us to fulfil our election promises. And we look forward to you assisting us to fulfil our election promises rather than trying to condemn us. We are systematically going about the task of implementing our promises and doing what Australians asked us to do at the ballot box. We are dealing with the debt cap, the budget, Labor's NBN, schools funding and Labor taxes. And you need to get on board and assist us to do the job, not condemn us and stall the program.

Other achievements so far include Operation Sovereign Borders. We have said our policy would mean lower taxes and lower costs, and almost 100 announced but unlegislated tax changes are being dealt with. You actually could not get your legislative program together. Does anybody seriously remember the last day of sitting in the last parliament before we headed off to summer break? Remember, Senator Farrell? You are looking blankly at me. Let me remind you—

**Senator Ronaldson interjecting—**

**Senator McKENZIE:** No, Senator Ronaldson; don't go there!

**Senator Ronaldson:** It's there, on the floor.

**Senator McKENZIE:** It is, and it can remain there.

We were here till all hours of the evening with less than 15 minutes to debate the varied legislation—the childcare legislation et cetera. I could go on and on and on about the number of bills that were guillotined through here. It is absolute hypocrisy for them to stand up day after day, saying that they need to have their say on these bills, when at the very same time last year we were here until way past midnight while Labor and the Greens guillotined bill after bill. It is absolute hypocrisy.

We are improving the ability of people in Indigenous communities to take control of their own economic destiny, and we have kick-started talks at APAC. One of the election promises...
the Prime Minister made prior to the election was that the first country he would visit on becoming Prime Minister would be Indonesia, and it was. The Commission of Audit is underway to deal with the debt and to actually kick-start our economy and start getting rid of the layers of regulation and burden that you have wrapped up our most productive sectors in in that short six years—the most significant examination of the cost of government in more than a decade.

We are delivering on the one-stop shop with the states for environmental bilateral approval and assessment processes. That is going to be a much-welcomed change, and an election promise that I am looking forward to delivering on. I am sure that discussions on Friday will assist that. It was one of Labor’s own legislative programs until the hasty-hasty deal with Windsor and the Greens, and you backed away from it. But do not worry: we will get the job done.

Work is underway with state governments to fast-track the new major road links and upgrades as we promised at the election. We have established, as we promised, the Prime Minister’s Business Advisory Council and the Indigenous Advisory Council. Compensation will be available to victims of terrorism overseas, as we said it would be. And last week we concluded negotiations for a free trade agreement with South Korea, as we said we would do. We said that we would fast-track those negotiations to ensure that our producers can get our fabulous produce, financial services and the like into countries of strategic importance. Regional Australia is going to be the big winner out of the Korean free trade agreement—$700 million to beef, $500 million to sugar and a significant increase for our dairy industry, which is going gang busters every single day.

We are dealing with Labor’s debt legacy, and that is going to take a little longer, Senator Farrell, than the little under 100 days you are wanting us to get it all fixed by. It will be a little longer because it is such a mess.

Senator Farrell: You’ve created the mess!

Senator McKenzie: You were left with a surplus and here we are: net debt spiralling out of control and hurtling towards $400 billion. It is going to take us a little longer than 100 days, Senator Farrell, to deal with that election promise, but we are committed to the task.

Just this week the government has taken another step towards cutting red tape for universities, yet another election commitment that we are honouring. The reporting requirements for Australian universities will be reduced and simplified in a new push to cut red tape for the sector. The minister has just made announcements to adopt all 27 recommendations out of the 2012 PhilipsKPA review into reporting requirements for universities. This is great news for our education sector. We want universities spending more time delivering the best higher education possible—researching and teaching in areas that are going to build our nation—rather than trying to do the work with one hand tied behind their backs: academics filling out forms, counting and shifting bits of paper around to their provice-chancellors rather than getting on with the good work of what a university should be doing in the community.

The Senate should do the right thing this week and scrap Labor’s bad taxes and give our economy the clean start it needs for 2014. Here is your chance: a Christmas wish for all! If we had asked Australians what they would have liked for Christmas on election day—another
little straw poll—I think the result would have been quite clear, and that would have been to get rid of the carbon tax. You can still deliver. Now is the time for Labor to accept that there was an election, the people spoke and they said, ‘Get rid of the carbon tax.’ You could do it now—actually you probably cannot do it now, but you had the chance. You had the chance to alter the sitting arrangements. You had the chance to bring the Senate back tomorrow or bring it back next week. Let every single Labor Party senator and Greens senator have their say on these important bills.

Senator Farrell: You waited three months to bring the parliament back!

Senator McKenzie: Let them have their say, Senator Farrell, and let us get to the pointy end and actually put the bill before the Senate and vote for it, as was the mandate given to the Abbott government at the election.

There is more to do, but we are keeping faith with the Australian people after they were so badly let down after six years of Labor. Before the election, Labor said they would scrap the carbon tax. Just this week, Mark Butler said they would scrap the carbon tax. Now is the time for Labor to determine whether or not they will break their own election promise. How hypocritical of the now opposition to accuse us of not honouring the election promises, when every person in the country would have known, as I said earlier, what our No. 1 promise was. Labor gave us six years of chaos and poor governance, and we need to remember what that Labor legacy is.

We are meeting our promises. We are actually delivering on Labor's promises, which I find quite curious. There is one Labor Party election promise that we are not going to commit to, because, in a very cynical way, the then Minister for Regional Development, Local Communities and Territories, Catherine King, went around in the lead-up to the election, misleading community after community, and community group after community group. Round 5 funding agreements in the Regional Development Australia Fund will not be funded. They were election promises by the Labor government during a very bitter election campaign. She put that out into communities that are now seeking us to fulfil Labor's promises, but that is not our job. Our job is to do what we were elected to do, which is to get rid of the debt and to repeal the carbon tax and the mining tax.

I am quite chuffed, though, that some rounds of RDAF have been funded by the government in terms of building sustainable regional communities. These rounds 2, 3 and 4 of RDAF grants were not dealt with by the previous government, even though they were Labor election promises. In Indi, for instance, in my and Senator Ronaldson's home state, the government is funding $150,000 for a feasibility study of the Bright Hospital redevelopment. I know that is something the local member, Bill Sykes, has championed. The Assistant Minister for Infrastructure and Regional Development, Jamie Briggs, made the announcement two days ago. The government is funding $405,000 towards the construction of the Bonegilla boardwalk and bike track. The Abbott-Truss government will also deliver $50,000 towards CCTV cameras in the Alpine shire, $5 million towards the catheterisation lab in Albury-Wodonga and $1.4 million in local roads funding, as well as funding for a Green Army project for Lake Hume, the Murray River and the Kiewa River.

This is delivering on election promises. This is about the Liberal-National government making sure that regional communities are not left behind, as they were by the former government, despite promises from the former minister—empty promises, as it turned out,
because the money was not there, is not there. We will deliver on these promises, and that announcement was made by the minister. Each of these projects will provide critical investment in regional communities so that they can continue to develop and prosper. They are projects that were developed with the assistance of coalition members, Liberal members, and the ministers in charge, who are very supportive of these projects. The Bonegilla boardwalk project, for instance, will contribute to closing the gap on Indigenous disadvantage through skills development and employment on enhancing the tourism infrastructure of the Kiewa River flood plain.

One election promise that I am really looking forward to delivering is the establishment of the National Stronger Regions Fund. From 2015, regional communities will be able to apply to that fund for social and economic infrastructure that will contribute to their economic development. It is a $1 billion fund over four years starting in 2015. So we are actually doing what we said we would do. We are keeping faith with the Australian people.

It is the height of hypocrisy for those opposite to come in here and, after less than 100 days, ask why we have not repealed the carbon tax. Why haven't we? Well, it got through the lower house okay, but here we are, standing in the Senate on the last day of sitting, and it has been on the red every single day. When it was first listed we had the debate to separate the bills, so we could maybe multiply each of the 11 bills before us by the number of Greens and Labor senators. If you do the calculations—and I haven't brought my calculator in with me and my arithmetic is a little rusty—I think it might take us until April before we can actually get to a vote when we have run out of speakers from the opposition. The debate throughout the past two weeks has been quite repetitive—we could have tabled the talking points and gotten on with it. I do believe it is important for the Senate to ensure that senators are able to air the concerns of their communities and constituents, to bring those concerns to the Senate and ensure that issues are properly debated. I would also ask, after the amount of time and the range of issues that have been canvassed in this debate, why we are still unable to put that package of bills to the vote, why the Labor Party refuses to accept that the Australian people want this legislation repealed.

I had SPC, a food manufacturer in my home state of Victoria, come up to Canberra today to talk to coalition members and senators about the challenges that face food manufacturing in Australia, particularly in regional areas. The challenges are significant, and not dissimilar to the challenges faced by Holden and by General Motors, spoken about by their head, Mr Akerson. It is about a high dollar and high input costs. When the Leader of the Opposition was on ABC News 24 this morning and was asked by Virginia Trioli about what made up those high input costs, particularly for automotive manufacturers here in Australia, he was unable to give an answer that gave any comfort that he understood the very real concerns of the manufacturing industry in Australia. That is a huge concern. It is huge concern for AMWU members in Shepparton. It is a huge concern for workers more generally right across manufacturing. It is similarly of concern to the small and medium enterprises, many located in regional communities, who support the larger automotive industry and the larger food-processing industry and may employ upwards of five to 10 people. How are they going to sustain their business? The disconnection that the Labor Party and the Greens have from the reality of the everyday life of Australians was demonstrated by Australians throwing them out
of government. Now they need to recognise that and to get on with the business of delivering on the people's will.

The task before us is daunting. I do not think any of us could have predicted just how much mess Labor has left us with. They have wreaked havoc on the Australian budget, and not just for the coming term, the coming parliament, but for decades ahead. We are going to work very hard to deal with that issue. We are up to the task. We have been given a job by the Australian people, we have started that job and we will not stop until it is completed.

The DEPUTY PRESIDENT: I call Senator Faulkner. Senator Faulkner, you have about a minute and a half.

Senator FAULKNER (New South Wales) (17:58): Yes. It is a very brief time indeed, Mr Deputy President. Then again, the Abbott government, as you know, has had a very brief time. We have had just under 100 days of the Abbott government and so far it has been bad for education, bad for Australia's foreign relations, bad for Australian industry, bad for transparency, bad for accountability—but it has been very good for comedians. I thought I would just leave this very brief contribution by congratulating the best effort from the comedians, which goes of course to the Minister for Education, Mr Pyne, who has managed to get the Twitter nickname, after all his broken promises, of Mr Pyneocchio. That is a very good effort in just two months.

Debate interrupted.

DOCUMENTS

The DEPUTY PRESIDENT (18:00): Order! It being 6 pm, the Senate will proceed to the consideration of government documents.

Australian Agency for International Development

Debate resumed on the motion:

That the Senate take note of the document.

Senator FAULKNER (New South Wales) (18:02): I would like to make a very brief comment on this important AusAID report, after which I will seek leave to continue my remarks later. The recently released AusAID annual report does provide a valuable insight into the management of Australia's foreign aid program for the 2012-13 financial year. I think that recent events in the Philippines in the wake of Supertyphoon Haiyan are a very stark reminder of the importance of our aid program in lending a hand to some of the world's most vulnerable people. Australia's aid program also serves our national interests, of course, by promoting stability and prosperity in our region and around the world.

This report mentions the first Annual Review of Aid Effectiveness, conducted in January this year, and I certainly welcome the review. I welcome it because increased accountability and transparency enhance the effectiveness of Australia's overseas aid program. The review of aid effectiveness measured the performance of the Australian government aid program 2011-12 against the comprehensive aid policy framework. It encompassed the aid spending of all participating Australian government agencies, which is around 60 in total. The results of the review were encouraging:

The 2011-12 results demonstrate we are making good progress and are broadly on track to deliver the results committed to by the government under their aid policy framework.
I am pleased that the opposition has always had a strong commitment to growing and increasing the effectiveness of the Australian overseas aid budget. Under previous Labor governments, Australia's contribution to official development assistance did grow very significantly. In 2006-07 the Australian government invested $2.9 billion, but by 2013-14 that had grown to $5.7 billion, tremendous growth in anyone's language. The Labor Party does remain committed to a target of contributing 0.5 per cent of gross national income to the Australian aid budget, with a longer term target of 0.7 per cent of GNI.

The Abbott government's recent decision to slash the Australian aid budget by $4.5 billion is a very disappointing decision, to say the least. There has been significant upheaval with the merger of AusAID with the Department of Foreign Affairs and Trade. It was sudden, it was stressful and it has left many unanswered questions about the administration of Australia's aid program. I fear that recommendations from the recent review of aid effectiveness will not be delivered. I fear that many of those recommendations will just be ignored.

As you know, Mr Deputy President, Australia is a modern, advanced and generous nation, and, as responsible global citizens, it is our obligation to assist those less fortunate, an obligation that has been—I have got to acknowledge—accepted by successive governments of all political persuasions. It is an obligation—I certainly hope and believe that it is an obligation—supported by the vast majority of Australians.

I commend the AusAID annual report to the Senate and credit the former AusAID, now merged with the Department of Foreign Affairs and Trade, and other participating government agencies for their excellent work.

Leave granted.

Productivity Commission

Debate resumed on the motion: That the Senate take note of the document.

Senator McKENZIE (Victoria—Nationals Whip in the Senate) (18:10): I rise to take note of the Productivity Commission's report on the safeguards inquiry into the import of processed tomato products and also into the import of processed fruit products. I was talking about this issue last week, and it refers to SPC Ardmona, an iconic food-processing company and the last food processor of its type in our country. As I mentioned, safeguard measures are a legitimate method to ensure that our global trading agreements operate with integrity, and we should not shy away from using them—and this was a comment that Peter Harris, Chairman of the Productivity Commission, made to me in response to some questioning in Senate estimates a while ago.

Taking the hard line, and often the high road, on matters of international trade sometimes leaves Australia trailing behind our competitors, while the United States holds fast to its farm bill; Europe applies its common agricultural policy, despite the recent review; and relative newcomers to the WTO such as China, according to an OECD report, are increasing their subsidies. In the past four years, Australia's food-processing industry has taken a battering, which has seen over $800 million lost, 11 food processors close and 1,200 people lose their job. And it is not just the people losing their jobs; it is also the loss of knowledge, skills, capacity and critical mass that affects our industry moving forward.
The Nationals in government want to see local industry prosper and champion the benefits of local trade, and I do not think that these are mutually exclusive things or competing viewpoints in the public debate. Through the legitimate use of WTO sanctions such as safeguards, bilateral and multilateral agreements can provide an opportunity for our local industries to prosper. As we discuss the benefits of Australia being open for business, let us make sure there is stock on the shelves, staff behind the counter and someone manning the till.

As I mentioned in an earlier contribution, today SPC Ardmona came to Parliament House to speak with coalition senators and members who are interested in such matters about what they are doing and the great innovations that they have been creating. The IP that has created this very healthy, safe, fresh product—all of the great things about the produce out of the Goulburn Valley being packaged in an appropriate way for the modern consumer—shows that SPC Ardmona is not a processor that is stuck in the 1950s with outdated technology and little willingness to embrace the opportunities and challenges of the 21st century. It is creating new products. It has a really exciting plan for how to be a food manufacturer into the 21st century, despite its having to deal with the issues of high input costs, the high dollar and all the rest of the complex factors that have played into doing business in this country in recent years. According to Essential Economics, if SPC Ardmona closed, the Goulburn Valley would lose 2,000 jobs and $165 million a year from the economy, not to mention the devastation that would be wrought on growers that supply the factory and the workers within the wider community.

SPC has initiated a thus-far successful antidumping case against imported products, and the two major supermarkets have recently pledged to source 100 per cent Australian fruit for their tinned fruit products—which has been great. Another key part of SPC Ardmona's successful campaign has been their quite aggressive PR campaign to try and turn around some of the issues. Yes, importation of foreign product is affecting their bottom line and so are a number of other things. They have been really proactive in attacking the problem, making sure that Australian consumers understand the benefits of buying and eating our great local produce and are making a conscious decision, when they go into a supermarket, to put the Aussie fruit into their shopping trolley. SPC, their workers and the greater community of Shepparton and the Goulburn Valley have taken that challenge to the wider nation, and I congratulate them for it. I also congratulate this great Australian company on being progressive and hardworking in trying to deal with some of the challenges of being a food processor in the 21st century. I am excited by their plans and I hope that we all get behind them to ensure a sustainable future not just for the company but for the Goulburn Valley. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**DOCUMENTS**

**Consideration**

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

Department of Foreign Affairs and Trade—

Australia in the Asian Century: towards 2025—Country strategy—

China.

India.
Indonesia.
Japan.
South Korea.

—Motion of Senator Macdonald to take note of documents called on. On the motion of Senator Bushby
debate was adjourned till Thursday at general business.

Australian Human Rights Commission—Audit report—Review into the treatment of women at the
Australian Defence Force Academy, dated July 2013. Motion of Senator Boyce to take note of
document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general
business.

Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education—
Australian vocational education and training system—Report for 2011. Motion of Senator Stephens to
take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday
at general business.

Productivity Commission—Report No. 63—Safeguards inquiry into the import of processed tomato
products, dated 18 September 2013. Motion of Senator McKenzie to take note of document debated.
Debate adjourned till Thursday at general business, Senator McKenzie in continuation.

Productivity Commission—Report No. 64—Safeguards inquiry into the import of processed fruit
products, dated 18 September 2013. Motion of Senator McKenzie to take note of document debated.
Debate adjourned till Thursday at general business, Senator McKenzie in continuation.

Australian Postal Corporation (Australia Post)—


Statement of corporate intent 2013-14 to 2016-17.

—Motion of Senator Boyce to take note of documents called on. On the motion of Senator Bushby
debate was adjourned till Thursday at general business.

Tertiary Education Quality and Standards Agency (TEQSA)—Report for 2012-13. Motion of Senator
McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned
till Thursday at general business.

Australian Centre for International Agricultural Research (ACIAR)—Report for 2012-13. Motion of
Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was
adjourned till Thursday at general business.

Health Workforce Australia—Report for 2012-13. Motion of Senator Boyce to take note of document
called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Pesticides and Veterinary Medicines Authority (APVMA)—Report for 2012-13. Motion of
Senator McKenzie to take note of document called on. On the motion of Senator Urquhart debate was
adjourned till Thursday at general business.

Australian Research Council (ARC)—Report for 2012-13. Motion of Senator McKenzie to take note of
document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general
business.

Department of Agriculture, Fisheries and Forestry—Report for 2012-13. Motion of Senator Macdonald
to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday
at general business.

Australian Charities and Not-for-profits Commission (ACNC)—Report for the period 3 December 2012
to 30 June 2013. Motion of Senator Boyce to take note of document called on. On the motion of Senator
Urquhart debate was adjourned till Thursday at general business.
Aged Care Standards and Accreditation Agency Limited—Report for 2012-13. Motion of Senator Polley to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Curriculum, Assessment and Reporting Authority (ACARA)—Report for 2012-13. Motion of Senator McKenzie to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Nuclear Science and Technology Organisation (ANSTO)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Institute for Teaching and School Leadership Limited (AITSL)—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Insolvency and Trustee Service Australia (Australian Financial Security Authority)—Report for 2012-13, including reports on the operation of the Bankruptcy Act 1966 and Personal Property Securities Act 2009. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Electoral Commission (AEC)—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Department of Infrastructure and Transport—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Commonwealth Scientific and Industrial Research Organisation (CSIRO)—Report for 2012-13, including report of the Science and Industry Endowment Fund. Motion of Senator Edwards to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Tourism Australia—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Customs and Border Protection Service—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Prudential Regulation Authority (APRA)—Report for 2012-13. Motion of Senator Boyce to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Reinsurance Pool Corporation (ARPC)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.
Director of National Parks—Report for 2012-13. Motion of Senator Edwards to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Climate Change Authority—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Strategic Policy Institute Limited (ASPI)—Report for 2012-13. Motion of Senator Stephens to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


Wet Tropics Management Authority—Report for 2012-13, including State of the Wet Tropics report. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Torres Strait Regional Authority (TSRA)—Report for 2012-13. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Outback Stores Pty Ltd—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Indigenous Business Australia (IBA)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Public Service Commission—State of the service—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Workplace Gender Equality Agency (formerly Equal Opportunity for Women in the Workplace Agency)—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Institute of Family Studies—Report for 2012-13. Motion of Senator Moore to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Rural Industries Research and Development Corporation (RIRDC)—Report for 2012-13. Motion of Senator Kroger to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Migration Act 1958—Section 486O—Assessment of detention arrangements—Volume 1—Personal identifiers: 1378/13, 1489/13, 1491/13, 1502/13, 1506/13, 1513/13, 1516/13, 1539/13, 1563 and 1564/13, 1568/13, 1578 to 1582/13, 1584 and 1585/13, 1587/13, 1589 to 1592/13, 1601/13, 1618/13, 1624/13, 1626 to 1628/13, 1630 and 1631/13, 1638/13, 1640 and 1641/13, 1646 and 1647/13, 1649/13, 1659/13, 1670/13—Commonwealth Ombudsman’s reports. Motion of Senator Brown to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.

Australian Rail Track Corporation Limited (ARTC)—Statement of corporate intent 2013-14. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.
Australian Livestock Export Corporation Limited (LiveCorp)—Report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Bushby debate was adjourned till Thursday at general business.


Australian Radiation Protection and Nuclear Safety Agency—Quarterly report for the period 1 April to 30 June 2013. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

National Health and Medical Research Council—Changes to national statement on ethical conduct in human research, 2007, updated December 2013. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Australian Communications and Media Authority (ACMA)—Communications report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.

Aboriginal and Torres Strait Islander Social Justice Commissioner—Social justice and native title—Report for 2012-13. Motion of Senator Brown to take note of document called on. On the motion of Senator Urquhart debate was adjourned till Thursday at general business.


COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Environment and Communications References Committee—Interim report—Performance, importance and role of Australia Post in Australian communities and its operations in relations to licensed post offices. Motion of Senator McKenzie to take note of report agreed to.

Environment and Communications References Committee—Interim (2) and final reports—Recent trends in and preparedness for extreme weather events. Motion of Senator Urquhart to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Community Affairs References Committee—First and final reports—Involuntary or coerced sterilisation of people with disabilities in Australia. Motion of Senator Urquhart to take note of reports called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.

Corporations and Financial Services—Joint Statutory Committee—Report—Statutory oversight of the Australian Securities and Investments Commission: the role of gatekeepers in Australia’s financial services system. Motion of Senator Urquhart to take note of report called on. On the motion of Senator Bushby debate was adjourned till the next day of sitting.
AUDITOR-GENERAL’S REPORTS

Consideration

The following order of the day relating to reports of the Auditor-General was considered:
Auditor-General—Audit report no. 10 of 2013-14—Performance audit—Torres Strait Regional Authority—service delivery—Torres Strait Regional Authority. Motion to take note of document moved by Senator McLucas. Debate adjourned till the next day of sitting, Senator McLucas in continuation.

COMMITTEES

Intelligence and Security Committee

Treaties Committee

Membership

Messages received from the House of Representatives informing the Senate of the appointment of members of the House of Representatives to joint committees, as follows:
Parliamentary Joint Committee on Intelligence and Security, Mr Byrne, Mr Nikolic, Ms Plibersek, Mr Ruddock, Mr BC Scott and Mr Tehan.
Joint Standing Committee on Treaties, Mr O’Dowd in place of Dr Stone.

ADJOURNMENT

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (18:18): I move:

That the Senate, at its rising, adjourn till Tuesday, 11 February 2014 at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question agreed to.

BUSINESS

Leave of Absence

Senator RONALDSON (Victoria—Minister for Veterans' Affairs, Minister Assisting the Prime Minister for the Centenary of ANZAC and Special Minister of State) (18:18): I move:

That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question agreed to.

STATEMENT BY THE PRESIDENT

Valedictory

The PRESIDENT (18:19): I take this opportunity on the last sitting day for 2013, at the conclusion of what has been a very busy parliamentary year, both for us parliamentarians and for the many staff of the parliamentary departments, to acknowledge and express my personal gratitude to the following. Firstly, I thank the Clerk of the Senate, Rosemary Laing. Not only is she a staunch defender of the traditions and dignity of this place but she has been the source of wise counsel throughout the year, for which I am most grateful. I thank the Deputy Clerk, Richard Pye, and all the senior officers of the Department of the Senate for their outstanding professionalism and commitment to this very important institution in our democracy.
I thank all senators, and I would like to make special note of the Deputy President and Chair of Committees, Senator Stephen Parry. I wish to once again acknowledge the excellent working relationship that we have established since July 2011. I know that has been something that has worked very much to the betterment of this parliament and to the benefit of all senators in this place. I also thank the temporary chairs of committees, who do a very wonderful job in relieving both me and the Deputy President in the onerous job of looking after the chairing of this chamber when neither I nor the Deputy President are available. I also wish to thank the former Usher of the Black Rod, Brien Hallett, as well as to take this opportunity to put on the record my welcome and gratitude to the current Usher of the Black Rod, Bronwyn Notzon. I wish to thank the Director of Senate Services, John Baczyński; Assistant Director, Glenn Krause; and the staff of the Black Rod's Office.

I wish to acknowledge the staff of the Clerk's Office, the Table Office, the Procedure Office and the Committee Office and thank them for their hard work, dedication, patience and forbearance. I thank the chamber support staff, and in particular John Brown and the chamber attendants and the mail attendants, led by Stephen Schmidt.

As I do every year, I make a special mention of, and I thank, Ian and Peter at the transport office, who continue to look after our transport needs so efficiently. And I extend my thanks to the Comcar drivers and telephone booking operators, who are always helpful, efficient and pleasant in making our lives workable.

I thank the Secretary of the Department of Parliamentary Services, Carol Mills, and her staff, most of whom work in the background providing the essential services that enable the parliament to function. In particular, I thank the grounds staff and gardeners as well as those who maintain the building for continuing to make Parliament House such a showpiece for the nation.

Those who work in the Parliamentary Security Services as well as the AFP officers who patrol the external areas of this building also deserve our gratitude. The staff of ICT, particularly Reyhan Waterford and Josh Cunningham, who have assisted me on more than one occasion in getting the information and communication technology we are provided with to work in this place. I also thank the Health and Recreation Centre staff, and the Parliamentary Library and the research service—under the direction of Parliamentary Librarian, Dianne Heriot—who do a wonderful service for all senators and members in this place.

I would like to also offer my thanks to the licensees and other contractors who provide a range of important services to those of us who work in this building including: the cleaners who keep this place so immaculately clean and tidy; the catering staff of IHG and Aussie's who provide the coffee and food to all building occupants and visitors; the very dedicated Parliament House switchboard operators, whose voices we often hear on the public address system directing us to committee meetings, but who are the front-line service for us all—while they are not seen, they are definitely heard and, I can assure them, not forgotten; and the staff of FCm, who make our travel arrangements.

For the first time, and given that they have completed their first full year as part of the Department of Parliamentary Services, I acknowledge and extend my thanks to the Parliamentary Budget Officer, Phil Bowen, and the staff of the Parliamentary Budget Office, who have so ably supported senators in this place. I also thank the International and
Community Relations Office Director, Andres Lomp, and his staff for their dedicated work with outgoing and incoming delegations and in managing so well our interparliamentary relations and international parliamentary assistance program. The Parliamentary Education Office Director, Simon Harvey, and his staff do an extraordinary and very important job teaching young Australians about our parliament. In 2013 they taught 90,950 young Australians from 1,589 schools.

I would like to thank the former Speaker of the House of Representatives, Anna Burke, and her staff, and in particular Chris Paterson, with whom I have had a great number of dealings over a long period of time. I welcome the election of the new Speaker, Bronwyn Bishop, and the Deputy Speaker, Bruce Scott, and look forward to working with them again in the new year. I particularly wish to express my gratitude to the retiring Clerk of the House of Representatives, Bernard Wright, and on behalf of all senators wish him, his wife, Maree, and their family all the best for the future. I extend my thanks also to the officers of the Department of the House of Representatives.

I also thank the hardworking and dedicated staff of Ministerial and Parliamentary Services in the Department of Finance, who provide an important service for senators and our staff. I am especially grateful to the staff of my office here in Parliament House as well as to my electorate office staff in Queensland, who make my job much easier indeed. And I acknowledge and thank all the other people I have failed to mention by name or by class who personally work in Parliament House and in electorate offices right around Australia. We are a dedicated group of people, and there are a dedicated group of people who support the work of this parliament—something that is not very much understood, I fear, in the broader community. But, nonetheless, to those people especially, our thanks for all your assistance.

In conclusion, I extend my best wishes to all colleagues and staff for the upcoming festive season and I look forward to seeing everyone back here in 2014. I thank the Senate.

Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (18:27): by leave—I thank the Senate on this occasion. It must be getting close to Christmas. I thought I had an impressive list of people to thank, but I think you have gazumped me, Mr President, so I simply say, on behalf of the coalition, that we fully endorse your remarks in relation to all of the wonderful people who assist us in doing our tasks. That includes, Mr President, yourself. That is one that was on my list, which you left off your own list, and so on behalf of the coalition I thank you for what you do in ensuring the smooth running of the Senate. I do note that, all things being equal, this will be your last Christmas message, but I look forward to your stewardship of this place over the next six or so months until the Senate changes.

I also include in the list the parliamentary chaplain. I thank Reverend Peter Rose for his prayerful support of us individually and also of our collective endeavours and deliberations. I thank my colleagues and my deputy, Senator Brandis, and Senator Scullion and the country cousins from the National Party for providing a good, cohesive coalition. It is a situation where we have this year changed sides in this place, but it is a great testament to the strength of our democracy that these things can happen so smoothly. I thank all of those involved who assisted in that quite extensive logistical manoeuvre. Having been on the opposite end of it a
couple of times as well, I am very appreciative, on behalf of all senators I am sure, of those who make those logistical changes for us.

I thank not only all of the personal staff in my office but also all of the coalition staffers for the wonderful job they did leading up to the election, during it and since. Mr President, I simply say it is a genuine privilege to be able to serve in this place, and especially so to serve as the Leader of the Government in the Senate and have the confidence of the Prime Minister, Mr Tony Abbott, to do so.

I conclude by wishing the Leader of the Opposition in the Senate, all opposition senators, the Greens, Senator Xenophon and Senator Madigan a very happy Christmas time and a restful period as we regroup to gather in 2014 to do the people's work. The Christmas period is part of a very rich heritage that we as a society enjoy and it is worthwhile to reflect on the true meaning of Christmas, not only for us personally but also for us as a nation. I wish everybody a very happy Christmas and all the best for 2014.

Senator Wong (South Australia—Leader of the Opposition in the Senate) (18:30): by leave—I join with Senator Abetz and with you, Mr President, in wishing all senators and staff a safe and happy holiday season and the very best for the Christmas season. I for one am looking forward to a break. I suspect that, if I were to put that to a vote, there would be almost unanimity.

Senator Abetz: You've got the numbers anyway.

Senator Wong: I have the numbers on this one. On occasion we get them. It is an understatement to say that this has been a big year. Political contests are generally difficult, but this year has been even more so. What we saw in this election, as you always see in any election, is the great workings of the Australian democracy. As a result of that we now have different roles in this place. Our acknowledgement and congratulations of those opposite is more than matched by our determination to ensure we hold them to account and, hopefully, best them in this chamber on many occasions.

I also extend my Christmas greetings to Senator Abetz, as Leader of the Government in the Senate, and to all senators and staff. I want to thank my colleagues for their support and the manner in which they have taken the fight to the new government. I particularly want to thank my deputy, Senator Conroy, and give special thanks to Senator Moore, who has taken up the role of Manager of Opposition Business in the Senate and has done an outstanding job. I also want to thank Senators McEwen, Urquhart and Bilyk, who do a fantastic job whipping. I extend my thanks and seasons greetings to them and also to you, Mr President. I hope you have a good break over the summer. You deserve it.

The President: Thank you, Senator.

Senator Wong: On behalf of the opposition, I echo the thanks of the President. He went through an exhaustive list, which I will not replicate, but I do want to make special mention of the opposition's thanks to Rosemary Laing, the Clerk of the Senate, and other staff of the Department of the Senate. We thank you for your wise counsel and your assistance. I do believe—and I believed this even when I was on the other side and perhaps was a little irritated at what I was being asked to do—that this is one of the great institutions of Australia's democracy.
I want to also thank the staff. I acknowledge the extraordinary role that the clerks and other staff of the Senate play in ensuring this institution works as well as it does to play the role it does in our nation. I also thank the staff of the Department of Parliamentary Services. I have become much more reacquainted with the Parliamentary Library now we are on this side. What a wonderful resource it is. I thank Hansard and broadcasting. Thanks to the gardener who at my request pruned the walk—I think it is known as Faulkner's walk—between the Leader of the Opposition in the Senate's office and the chamber. I also want to thank many others in the department who assist us.

I want to make special mention of the staff of all senators. I have often said that as a politician you are really only as good as your staff. I particularly want to thank those staff who have made the transition from government or joined the new opposition. Again, I echo the thanks to Comcar. Where would we be without them, literally!

Finally, I say to the many Labor members across Australia and people who are supporters of the Labor Party: thank you for your passion, commitment and hard work in this election year and in every year. I promise you that your Labor Senate team will return in the new year and continue to take up the fight on your behalf and on behalf of every Australian who believes in a fairer and more progressive Australia.

In conclusion, on behalf of the Labor opposition I extend our warmest Christmas greetings for this holiday season. May we all spend time with family, may we all remember what it is like to not have to have as little sleep as we have had and may we also enjoy the peace, harmony and joy that this holiday season brings.

Senator SIEWERT (Western Australia—Australian Greens Whip) (18:35): by leave—On behalf of the Greens I would like to join Senator Abetz and Senator Wong in wishing everybody a very happy and very safe Christmas when we leave this place to go home to finally spend time with our families. It has been a big year—I agree with Senator Wong. For some of us it is not quite finished. There is unfinished Senate business still to be done in Western Australia, so it does not quite seem like we are finished. I hope all of us will take the opportunity to join our families, enjoy some festive time and reflect on what we are actually doing this for and why we spend time away from them.

I wish to join the President, Senator Abetz and Senator Wong in extending thanks to the people who really make this place function. I would also particularly like to mention Rosemary Laing for her support and the procedures clerk, who is always there to help us when we are doing fiddly amendments and say: 'We have changed our mind. We can't do that. We have to do this.' They are always accommodating and ready to help, same with the Table Office. I thank you very much.

I have been asked by Senator Milne to particularly mention Comcar—although I was going to—and to make a suggestion to you, Mr President. That is, sometimes the Comcar drivers might be invited in to look around the House, because we are told that some Comcar drivers have never seen the gardens. Given the beautiful work that the gardeners do—and a big shout-out to the gardeners—it seems a shame that people who are outside our doors, every day that we are here, have not seen the beauty of those gardens. It is a suggestion to the President that they be invited in to see what we see every day.
I would like to extend thanks to the Greens staff, who have worked so extraordinarily hard in this place. They do go above and beyond the call. In particular, a shout-out to Emma Bull, who is now our chief of staff and was whips clerk and has been the manager of parliamentary business for us. She is a most extraordinarily talented person who keeps us on the straight and narrow—and it means that she has a mention in Hansard for the fourth time in a row, so I will mention that. I would also like to particularly say thank you to my staff: Jess McColl, who is the best policy officer you could imagine; Rose Newbury-Freeman, who keeps my office shipshape; Chris Redman, who is my media officer and who does the most amazing work; and obviously Nick, who works on campaigns and community campaigns for me. They are a fantastic team. I know we all have fantastic teams and we do not get to mention them often enough. I want to give credit where it is due: we all could not stand here unless our staff were there, 100 per cent on deck. When you come from Western Australia, you ask a lot of your staff to be away from their loved ones—I see Western Australians and other people who travel long distances nodding their heads. You ask a lot from them to be away from home for so long. So thank you. Please, everybody, have a safe, happy Christmas and New Year; and get lots of rest, because this team is certainly going to be taking it up to all of you in the New Year.

ADJOURNMENT

The PRESIDENT: Order! I propose the question:
That the Senate do now adjourn.

Indigenous Affairs

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (18:40): I rise to acknowledge the very special work that is done by corporate Australia in assisting government to get one of our major priorities for Indigenous affairs underway. Our priorities are getting kids to school, getting adults into work and providing for safer communities. I would like to acknowledge how the corporate sector is quietly but surely taking a very important leadership role on the second of these priority policy areas.

Recently I spoke in this chamber about the need to recognise that Indigenous families share the same aspirations as every family. We all hope that our sons and daughters achieve a fantastic future for themselves and, of course, for future generations. We do need results. Unfortunately, indicators have shown that outcomes simply have not improved and, in some areas, are getting worse. We need a new way to work with Indigenous people so they can engage with the economy to break out of the spiral of poverty, neglect and marginalisation. Sadly, the employment rate for Aboriginal and Islander Australians has gone backwards over the last six years. So it is of some urgency that we do something to reverse this trend and the corrosive effects of welfare that go with that. The people who can assist us most are, of course, the employers and corporate Australia. They are the ones who create demand for Aboriginal and Islander workers.

I would like to acknowledge the work of Andrew Forrest of Fortescue Metals Group. He established the Australian Employment Covenant, an industry led initiative that attracted over 60,000 job pledges from 338 employers. Over 15,000 of these jobs have been filled. This is a real breakthrough. A lesson learned through the covenant is that we need a demand-driven
approach where the employer provides the job and the job seeker is trained. The sad thing is that too often the job seeker is trained with no job guarantee at the end—and, in fact, no real connection to the job. The days of training for training's sake need to end.

Aboriginal and Islander people in FMG comprise some 12.5 per cent of the permanent, long-term, fully employed workforce. Andrew Forrest's groups also work with the Indigenous Construction Resource Group. This is an Indigenous focused mine services company that has developed an extensive Indigenous labour network across Australia. It has grown at a stellar rate, with more than $50 million in contracts in 2013. This is a fantastic initiative getting into the services industry and mining, which everyone in the business world would acknowledge is the place to be if you are growing small to medium enterprises.

The government in its election platform committed $45 million to create job opportunities for up to 5,000 Indigenous Australians under the GenerationOne demand-driven employment model. The model, based on Mr Forrest's vocational training and employment centres, will ensure that Aboriginal and Islander trainees receive practical training, with a job guarantee when they are skilled up.

The Business Council of Australia is another organisation that is doing a fantastic job, as are all of its members, working with larger corporations to provide Aboriginal and Islander Australians with meaningful work opportunities. In the last 12 months alone, their members placed 3,500 Aboriginal and Islander people in jobs and traineeships. The Business Council members have a total Indigenous workforce of just over 20,000 people. Members have provided $2 billion for Indigenous business contracts. That is $2 billion worth of contracts for Indigenous businesses. They also have a number of joint ventures and, on top of that, have contributed over 100,000 hours on a pro bono basis. That is all in the last 12 months. It shows that there is so much goodwill out there, and it is being harnessed in a very positive way. I congratulate Business Council of Australia CEO Jennifer Westacott and the Indigenous Engagement Taskforce for all your work in supporting your members and achieving this marvellous outcome.

Some of Australia's best known companies are engaged—Woolworths, for example. It is possibly not well known that it is possibly the biggest employer of Indigenous Australians, with around 2,800 Indigenous employees. Coles is another major player putting in a substantial effort. They have invested in six Indigenous employment coordinators to drive their commitment, and I know the numbers of Aboriginal and Islander employees are growing rapidly. All four of our major banks are doing an outstanding job taking on hundreds of school based trainees every year and converting them into ongoing employees. The Commonwealth Bank has established an Indigenous customer assistance line to service remote Aboriginal clients. It was a great innovation of the bank, and I know the other banks are starting to talk in the same area and will shortly follow suit. Transfield, another great Australian company, has brought their Indigenous employment numbers up to 4.5 per cent of their workforce. This is an outstanding result, and they need to be commended. And there are many others.

Recently I visited the CopperChem mine at Cloncurry in Queensland. The project is committed to local Aboriginal employment and community development. It is an incredible change. Instead of fly in, fly out workers, which is the convention at almost every mine we see in Australia, they have decided that they are going to invest in local Aboriginal and
Islander workers. The mine has a purpose-built training facility which provides training to new recruits who have a guaranteed job on the mine when they graduate. It was fantastic to meet Scott Seymour, who runs the store at the mine site—a real character and well known around the area. He had nothing but praise for CopperChem. He said that, basically, they give everyone a fair go; if you want to have a crack, you will get a job.

There are many other examples at the local level where Aboriginal and Islander Australians are creating their own business opportunities. I was lucky enough, whilst visiting Camooweal in Western Queensland, to visit the Myuma training program. It has reached an impressive milestone this year: it has increased its intake fivefold since it first began in 2006. This is a program that has been equipping young men and women, mostly from disadvantaged backgrounds, to get them ready for work in 10 weeks.

Colin Saltmere is an outstanding Australian and a very proud Queenslander who I think has shown the way. I know that there are those from other parts of this chamber who would know about his work and the work of his organisation. He runs a commercial business. He focuses on the employer. Without their vacancies and his constant pressure for them, he would not have a business model. Graduates from this model program are able to start work with CopperChem, as rangers based in Mount Isa or Longreach or with any of the other employers. They are looking for work-ready people. When you visit his facility, the rangers are on one side in the morning, checking out all the cars and doing their rangering things. There are a bunch of mining trainees taking off to the quarry to have on-the-job experiential training, which is very valuable. He needs to be commended.

I congratulate the visionaries, including the many I have not named, who go about their work without acknowledgement. I urge all Australians to play their part by taking action in their sphere of influence to further engage Aboriginal men and women in employment.

**Sport**

**Senator LUNDY** (Australian Capital Territory) (18:48): I rise today to speak on a topic that is very close to my heart. As we approach the final weeks of 2013, it is fitting to reflect on what Australia has achieved in the area of sport. When I talk about achievements I of course include some of the fantastic feats by our Australian athletes and teams. Adam Scott's success in Augusta I think is very much at the forefront of many people's minds as we head into another Australian summer.

I would like to take this opportunity to acknowledge Kim Crow, who became the first Australian to win a Rowing World Championship gold medal in the single scull. Another local Canberran, Caroline Buchanan, won the BMX World Championship and backed it up to take out a world mountain bike crown. The Australian netball team showed their dominance in reclaiming the Constellation Cup in a tightly fought series with their fierce rivals—a rivalry that goes back many years now—the Silver Ferns of New Zealand.

I would like also to reflect upon, in part because this sport has achieved many great things over the last couple of years and proved itself to be an exemplar of organising its elite performance, the five Australians who were on the winning crew of the Americas Cup this year, not least Tom Slingsby, our Olympic gold medallist, who was the chief tactician. So a nod to all of Australia's sailors as well.
These successes are not only possible because of incredibly talented and dedicated individuals; there is the complete sporting landscape in Australia, from the coaches and support staff to the national sporting organisations that engineer themselves right through to the volunteers who sustain participation in sport at a community level. Today I would like to focus on the success of the Australian sport system and the achievements of our sport governing bodies and organisations, including the bureaucrats that build an enormous amount of work in the office of sport, the Australian Sports Commission and the Australian Institute of Sport. All of these people are dedicated and devoted to continuing to develop and adapt a robust environment to achieve sporting success and expanding the opportunities at all levels of sport, no matter your age, where you come from or your gender.

I was privileged, as I am sure my colleagues are aware, to hold the position of Minister for Sport in the Labor government. During that period of government some of the most significant challenges were thrown at sport. The way the sport system in Australia responded to these challenges has resulted in an improved and strengthened landscape for sport in this country, and I am optimistic about its future.

The sport portfolio and sport in general are complex. The stakeholders will tell you that what sport provides our modern civil society is far more than the sum of its parts. Community sporting clubs and organisations contribute volumes to the health, wellbeing and social cohesion of our communities. I was very proud as minister to establish the Multicultural Youth Sport Partnerships. In fact it was Senator Arbib who established that, but it certainly came from a policy that he worked on collaboratively with me as Minister for Multicultural Affairs. It was an important partnership that I was able to further develop as Minister for Sport. This initiative enabled young people from new and emerging communities and culturally and linguistically diverse backgrounds to engage in sport and physical activity within their own space, their local communities, and build linkages with their local clubs.

Sport, I believe, is the most effective platform for social cohesion in our communities, and I was very pleased to encourage our settlement services to work with their local community sports. I was also pleased to meet with them at a national level to work out what opportunities there were for collaboration to build that platform of social cohesion across the settlement sector. Settlement, of course, supports newly arrived people coming to Australia—refugees, asylum seekers, humanitarian entrants and migrants all seeking to build that sense of belonging in their new community.

I would also like to mention the Be the Influence campaign, because sport is also a great platform for promoting and disseminating very positive messages into the community. Be the Influence saw alcohol sponsorship replaced by the Be the Influence campaign, which was a campaign promoting safety for young people and a very strong anti-binge-drinking message. The Be the Influence campaign was adopted by a number of sports. I think ultimately 13 or 14 sports ended up replacing some of their alcohol sponsorship with the very positive Be the Influence message. I would like to also mention the Good Sports program, an excellent initiative designed to allow sports community clubs to develop alternative revenue sources to alcohol. This is a free support offered to community clubs—not in fact through the Sport portfolio but through the community services portfolio—and acknowledges their progress as they rebuild their links with families and make community clubs more family orientated.
One of the great challenges for sport is to continually adapt itself. It is, of course, a sector that is built on the backs of volunteers. I know so many sports clubs where the same people have been the president or the secretary or on the board for decades. I love seeing those people acknowledged, but I also think it is a huge challenge for them as society changes and moves around those clubs and they are forced to adapt in a number of ways. There are plenty of challenges that come down the channel towards them, and one of them, of course, is how they recruit and retain volunteers and how they recruit, retain and promote membership and participants within their sport. We were very pleased to be able to commission the CSIRO and the Australian Sports Commission research that came up with the document *The future of Australian sport: megatrends shaping the sports sector over coming decades*. I would encourage all wise members of sport's boards to familiarise themselves with this document, as it has lots of tips on how to help support the changes necessary to adapt to modern challenges. Innovation in sport has never been more prominent in this way, and the Australian Sports Technologies Network is an industry-led national network coordinating access to sports technologies research capability, national sporting organisations, sports retailers, commercialisation expertise and investors. The ASTN were identified under the Labor government to establish a sports technology precinct to help grow, develop and take advantage of national and international opportunities.

Perhaps one of the strongest themes, however, was governance. In 2012 the Australian Sports Commission released the revised governance principles for national sporting organisations to encourage a greater focus on management, planning and reporting practices. This was particularly essential in a year when we saw the integrity of sport challenged from a number of directions, from the Wood review into cycling after the scandal broke out about Lance Armstrong and the issues that beset cycling internationally through to the release of the Australian Crime Commission's report into Project Aperio, which is continuing. To this end, we as a government established the National Integrity of Sport Unit to provide national oversight, monitoring and coordination of efforts to protect the integrity of sport in Australia from threats of doping, match fixing and other forms of corruption. The investigations by ASADA continue into the issues that were raised at the time by Project Aperio. Sport is too important to allow this kind of insidious corruption, immoral drug cheating and all the rest of it to take a hold in Australia. Whilst it was a very tough period of time within the sports world, I was incredibly proud of the sports CEOs who were prepared to stand up beside the ACC, me and Minister Clare and declare their willingness to be involved in the clean-up of Australian sport and the stamping out of those practices.

The challenges that faced us this year also included battling racism. It is the 20th year since Nicky Winmar lifted up his jumper and said, 'I'm black and I'm proud of it,' and I would like to acknowledge Wayne Ludbey, the photographer who captured that moment. Twenty years is a long time, only to see Adam Goodes, a Brownlow medallist, face the same kind of vilification. So I am very proud of the fact that we initiated our 'Racism. It Stops with Me' campaign through the Australian Human Rights Commission.

Finally, in the week of the very sad passing of Nelson Mandela, I would like to conclude my remarks tonight with some of his words, because I think they sum up many of the messages that I have tried to convey through my words in this presentation. Nelson Mandela said:
Sport has the power to change the world. It has the power to inspire, it has the power to unite people in a way that little else does. It speaks to youth in a language they understand. Sport can create hope, where once there was only despair. It is more powerful than governments in breaking down racial barriers.

With that, I commend Nelson Mandela's words to this chamber.

Senate adjourned at 18:58 until Tuesday, 11 February 2014 at 12:30

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.]

**Civil Aviation Act 1988**—Civil Aviation Safety Regulations 1998—

Approval — means of providing surface wind information—Exemption — provision of a wind direction indicator—CASA 267/13 [F2013L02069].

Exemption—from standard take-off and landing minima—Japan Airlines—CASA EX121/13 [F2013L02072].

Exemption—from standard take-off and landing minima—Philippine Airlines—CASA EX124/13 [F2013L02071].

**Environment Protection and Biodiversity Conservation Act 1999**—Conservation Themes for Prioritising Nominations for Listing Threatened Species, Threatened Ecological Communities and Key Threatening Processes for the Assessment Period Commencing 1 October 2014 (21 November 2013) [F2013L02074].

**Higher Education Support Act 2003**—Commonwealth Scholarships Guidelines (Education) 2013 [F2013L02070].


Return to Order

The following document was tabled pursuant to the order of the Senate of 11 December 2013:

Immigration—Asylum seekers—Undetected boat arrival—Letter from the Assistant Minister for Immigration and Border Protection (Senator Cash) to the Clerk of the Senate (Dr Laing) responding to the order of the Senate of 11 December 2013 and raising public interest immunity claims, dated 12 December 2013.

Trade—Free trade agreements—Letter to the President of the Senate from the Minister for Finance (Senator Cormann) responding to the order of the Senate of 11 December 2013, dated 11 December 2013.