INTERNET
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the Senate and committee hearings are available at

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SITTING DAYS—2013

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

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

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

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

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

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

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<th>Senator</th>
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

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

(3) Chosen by the Parliament of New South Wales to fill a casual vacancy (vice Hon. M. Arbib, resigned 5.3.12), pursuant to section 15 of the Constitution.

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

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

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

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

(8) 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.

**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
## RUDD MINISTRY

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<tr>
<td><em>Minister Assisting the Prime Minister on Digital Productivity</em></td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Asian Century Policy</em></td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on Mental Health Reform</em></td>
<td><em>The Hon Mark Butler MP</em></td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td><em>Minister Assisting the Prime Minister on the Centenary of ANZAC</em></td>
<td><em>The Hon Warren Snowdon MP</em></td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td><em>The Hon Dr Andrew Leigh MP</em></td>
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<tr>
<td>Treasurer</td>
<td>The Hon Chris Bowen MP</td>
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<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
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<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td><em>The Hon Bernie Ripoll MP</em></td>
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<tr>
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<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator the Hon Penny Wong</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<td>The Hon Stephen Smith MP</td>
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<td>(Deputy Prime Minister)</td>
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<td>(Leader of the House)</td>
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<td>Senator Simon Birmingham</td>
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<td>Shadow Minister for Finance, Deregulation and Debt Reduction</td>
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<td>Shadow Minister for COAG</td>
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<td>(Chairman, Scrutiny of Government Waste Committee)</td>
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<td>Dr Andrew Southcott MP</td>
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<td>Senator Marise Payne</td>
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<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
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<td>The Hon Bruce Billson MP</td>
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Friday, 28 June 2013

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

BUSINESS

Rearrangement

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (09:31): At the request of Senator Collins, I move:

That, on Friday, 28 June 2013:

(a) the hours of meeting shall be 9.30 am to 3.40 pm;

(b) the routine of business from not later than 2.20 pm shall be consideration of general business notice of motion no. 1288 standing in the name of the Leader of the Australian Greens (Senator Milne), relating to the membership of the Committee of Privileges;

(c) the routine of business from not later than 2.30 pm shall be government business only and the following government business orders of the day shall have precedence over all other government business, be called on in the following order and be considered under a limitation of time, and that the time allotted for all remaining stages be as follows:

(i) Early Years Quality Fund Special Account Bill 2013—commencing immediately until 2.45 pm, and

(ii) Migration Amendment (Temporary Sponsored Visas) Bill 2013—commencing immediately after the preceding item until 3 pm;

(d) paragraph (c) shall operate as a limitation of debate under standing order 142; and

(e) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister, which must be not later than 3.40 pm.

Notice of motion altered on 27 June 2013 pursuant to standing order 77.

Orders of the Day

That the following bills be considered under a limitation of debate (standing order 142) and the allotment of time for consideration of the bills be as follows:

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<td>Superannuation (Excess Concessional Contributions Charge) Bill 2013</td>
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<td>Health and Other Legislation Amendment Bill 2012</td>
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<td>Agricultural and Veterinary Chemicals Legislation Amendment Bill 2013</td>
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<td>Public Governance, Performance and Accountability Bill 2013</td>
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<tr>
<td>Social Security Amendment (Supporting More Australians into Work) Bill 2013</td>
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That the following bills be considered under a limitation of debate (standing order 142) and the allotment of time for consideration of the bills be as follows:

- Appropriation (Parliamentary Departments) Bill (No. 1) 2013-2014 commencing immediately after the preceding item until 2 pm on 28 June 2013
- Appropriation Bill (No. 1) 2013-2014
- Appropriation Bill (No. 2) 2013-2014
- Sugar Research and Development Services Bill 2013 commencing immediately after the preceding item until 2.20 pm on 28 June 2013
- Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
- Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013 (Agreed to 24 June 2013—For full motion see Orders of the Senate—Temporary orders and changes to standing orders.)

**Senator LUNDY:**

I move:

That the question be now put.

**The PRESIDENT:** The question is that the motion be put.

The Senate divided. [09:35]

(The President—Senator Hogg)

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AYES ................. 36
Noes .................... 32
Majority ............... 4

Question agreed to.

**The PRESIDENT:** The question now is that the motion moved by Senator Lundy be agreed to.

The Senate divided. [09:39]

(The President—Senator Hogg)

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AYES .................. 36
Noes .................... 32
The PRESIDENT: Is leave granted?
Leave not granted.

Honourable senators interjecting—

The PRESIDENT: Order! I am making the call. It being later than 9.35 am, I need to call the Clerk.

**BILLS**

**Tax Laws Amendment (Fairer Taxation of Excess Concessional Contributions) Bill 2013**

**Superannuation (Excess Concessional Contributions Charge) Bill 2013**

**Second Reading**

Debate resumed on the motion:

That these bills be now read a second time.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (09:42): Never before in the history of the Senate have the provisions of the standing orders been so abused under this new Kevin Rudd government. It was bad enough under the Julia Gillard government, but it is even worse under Mr Rudd. Today we have had a motion rammed through dealing with changes to the Privileges Committee, which is the most important committee of this place, which makes recommendations in relation to penalties to be imposed on senators. Just as these tax bills will be guillotined in a matter of 17 minutes, so these people opposite—the Greens-Labor alliance—have guillotined a decision in relation to the most important committee of this place.

Honourable senators will recall that, during question time this week, I asked the now deposed Leader of the Government in the Senate whether any deal had been done with the Australian Greens to get their agreement, their connivance, to move this unprecedented guillotine of over 55 bills this week. Senators will also recall that, in the

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### AYES

- Bilyk, CL
- Brown, CL
- Carr, KJ
- Crossin, P
- Faulkner, J
- Furner, ML
- Hansom-Young, SC
- Lines, S
- Ludwig, JW
- Marshall, GM
- McLucas, J
- Moore, CM
- Pratt, LC
- Stephens, U
- Thistlethwaite, M
- Urquharth, AE
- Whish-Wilson, PS

### NOES

- Abetz, E
- Bernardi, C
- Brandis, GH
- Cash, MC
- Edwards, S
- Fawcett, DJ
- Fifield, MP
- Johnston, D
- Kroger, H (teller)
- Madigan, JJ
- McKenzie, B
- Parry, S
- Ronaldson, M
- Ryan, SM
- Sinodinos, A
- Williams, JR

### PAIRS

- Carr, RJ
- Collins, JMA
- Farrell, D
- Wong, P

Question agreed to.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (09:41): Mr President, I seek leave to make a statement about the previous motion.
term of the Howard government, 2004-07, when we had a majority in the Senate, only 32 bills in three years were guillotined. Here this week the Senate is being abused, with 55 bills being guillotined.

But not content with guillotining bills through this place, those opposite—the Labor Party—are now doing the dirty work for the Australian Greens, sponsoring Greens’ motions as government business. So we had to have the pantomime of the Thespian Senator Bob Carr, at question time, claiming to attack the Greens. What a pathetic act that was, when we now see the dirty, sleazy deals that are done behind closed doors, away from the microphones.

When I asked Senator Conroy, ‘Can you give an assurance that no deal has been done with the Greens in relation to the guillotine?’ he studiously avoided the question. He did not deny the allegation. We now know why. It is because the government has agreed to sponsor this outrageous motion that will set in train a system for the Privileges Committee on the very last day of this parliament.

What is the urgency? Nobody can tell us. What is the urgency to put this in the standing orders to give the Greens a permanent position on the Privileges Committee? There is no answer other than that it is the basis of a dirty sleazy deal. So on the very last day of this parliament there are the Australian Labor Party and the Greens: they may have publicly ripped up the marriage certificate, but they are still co-habiting and behaving exactly as they want. It is a raw abuse of the power of this place.

Here we are debating a tax bill and the whole Senate is given less than 20 minutes to discuss its provisions. Then, after that, we will have another 11-plus bills—guillotine, guillotine, guillotine.

And I say to the empty press gallery: it is a disgrace. But I will give one compliment to the ABC, because we are being broadcast courtesy of the ABC, and so some people in Australia will get to understand the gross hypocrisy of some of the scribes in the press gallery who wrote column after column after column condemning the Liberal and National Party majority in the Senate for the outrage against democracy for forcing 32 bills through the Senate. Where are their fingers on the keyboards when this disgraceful Greens-Labor alliance guillotines not 32, not 64, not 96 but 216 bills, and then rorts the Privileges Committee to boot on the very last day of the parliament? They are trying to future-proof the position of the Greens and the Labor Party in the event that the Australian people decide to change the government. This is raw abuse. The Australian people need to understand that the so-called country Independents in the other place did nothing against this raw abuse and nor did the Greens. Indeed, the Greens were active participants.

So the question for the Australian people at the next election will be a very simple one: whom do you trust to safeguard the role of the Senate as a house of review, to have the checks and balances in place on its powerful Privileges Committee and to respect the role of the Senate? The Liberal and National parties are clearly the best custodians of the role of the Senate. The Greens and the ALP have been shown to be the exact opposite. An unprecedented number of bills have been guillotined throughout this parliament—over 200. This week alone there were 55 bills—in one week, one and a half times the number of bills that the Howard government did in three years. Am I saying that the guillotine should never be used? Of course not. All this argument is about is a sense of proportion, a sense of decorum and a sense of decency. What we know about those opposite is that
those qualities mean nothing to them. They are completely foreign to them. If you have the numbers you use them.

What better example do we have other than your newly elected leader, who said to the people only months ago: 'I am a man of integrity and of my word, I will not challenge for the leadership.' You know why he was a man of integrity at that time? It was because he did not have the numbers. But as soon as he had the numbers: 'The Australian people demand it of me.' And so he breaks his solemn promise to the Australian people. What is more with those opposite, we have now seen the faceless man Bill Shorten becoming the two-faced man, with blood on both hands. This is the morality of the government. This is the standard of the government. Well may they change their leader, because they have not changed their morality, they have not changed their decency and they have not changed their respect, or disrespect I should say, for this place. It is situation normal, just with a different face: a bloke wearing a blue tie—whatever that might mean.

The role of the Senate is vital in our federal system of government; it is one of the vital checks and balances. One of the good-news stories is that, if the Liberal and National parties were to one day gain a majority in the Senate, we would actually allow our members to cross the floor and represent their states. In this parliament have you ever seen the Greens, who claim to be quasi-Independents, split? Have they ever crossed the floor?

Honourable senators interjecting—

Senator ABETZ: Have you ever seen the Labor Party do that? Of course not, because they are corralled by their socialist dogma that everybody has to give in to the majority, irrespective of the issue of the day. We, in the Liberal and National parties, believe in the individual right of people to cross the floor. We believe in the role of the Senate. We see the importance of the role of the Senate as a house of review, as a states' house, and that is why we are so angry today at the way this important institution has been so willingly abused by the Australian Labor Party and the Australian Greens. It beggars belief when you hear the commentary from Senator Christine Milne, the Leader of the Australian Greens, when she condemned the Howard government, and the comments of Senator Conroy and others.

Senator Ian Macdonald interjecting—

Senator ABETZ: Yes, the word 'hypocrite' does come to mind, Senator Ian Macdonald, but of course that would be unparliamentarily so I will not use it. Those listening might think that that is exactly the label that should be stuck on the foreheads of Senator Christine Milne, Senator Penny Wong and all their followers in this place.

The bill that is before us will allow individuals to withdraw excess contributions above the concessional contribution cap. It will apply an interest charge to individuals who exceed the cap, to account for the income tax that would have been paid if the amounts had been taken as wages or salary. And so the list goes on. The question is: if this is such good legislation, why is it that the Labor Party and the Australian Greens do not want to ventilate the provisions of this legislation and all the other legislation? If you are so proud of your legislative agenda and if you are so proud of the things you are trying to ram through the parliament, wouldn't you be saying, 'Let's have an extra week or two of sittings so that all of these wonderful policies of ours can be fully ventilated, and so that the Australian people can see what a great government we really are—how we really are serving the welfare of the people of Australia?' But they know
that they are not. They are ramming through legislation after legislation that is not within the best interests of the Australian people.

Last night we saw the ramming through of extra provisions in relation to the right of entry laws, giving union bosses—believe it or not—even more power. Having made a solemn promise that the right of entry rules would remain, in 2007, they gave union bosses an extra 157 powers in the Fair Work Act—a complete breach of promise—and then last night they gave them an extra power to invade every lunch room in this country. They are so proud of it that they wanted to guillotine it and restrict debate, because they do not want the Australian people to know about it. My friend and colleague Senator George Brandis reminded me just before we came into the chamber that, in the Senate Standing Committee on Legal and Constitutional Affairs, there was a matter of such importance that those opposite wanted to ventilate before the public that they called for public submissions. Great! The only problem: 40 hours to get your submissions in—not even two days. Not only do they rort the legislative agenda with their raw abuse of the guillotine, not only do they rort the Privileges Committee—they rort the committee system as a whole. If you have the numbers, according to the Green-Labor alliance, you use them, you abuse them and you achieve whatever end you want irrespective of how unprincipled or how unprecedented it is.

That should not surprise anybody, because we have seen it from the very top of this government with Mr Rudd, who made a solemn promise that he would never challenge while he did not have the numbers, but he never told us that that was the caveat so here he is challenging and getting the leadership in complete breach of that solemn promise. Should that surprise us? His predecessor got into power saying there will be no carbon tax and then she implemented one. Mr Rudd said he would not challenge and then did challenge, and now he is Prime Minister. Their two top people have got into their position through deceit. The honour of an individual, the strength of character of an individual, is that if you have made a promise you stick by it no matter how it hurts.

The best example of that was the former Prime Minister John Howard, who genuinely changed his mind on the goods and services tax. He had made a solemn promise to the Australian people, so what did he do? He went back to the Australian people and said, 'I am not going to abuse my position of Prime Minister and implement a GST; I am going back to you with a promise that, should you re-elect me, I will implement a GST.' That is a stark example of the difference in character, in integrity and honesty, between leadership of the coalition and leadership of the ALP. When we come to the next election I would call upon the Australian people to consider who they trust. Do they trust a man who deceives his own leader and says 'I will not challenge, I am a man of honour', and then does challenge, or, if they get rid of him again and reinstall Ms Gillard, a lady who said there will be no carbon tax and then implemented one? Or do they trust a coalition that when it did have the numbers in this place used them in a measured manner to ensure that the institution of the Senate and the parliament was protected, a party that has in its makeup, in its DNA, a respect for the Australian electorate so that when you make a solemn promise like 'no GST' you do not implement one without first getting a separate deliberate mandate from the Australian people, without being open and honest and upfront with them?
In my area of workplace relations, the Labor Party demanded at the last election that there should be no changes to the Fair Work Act; they had the balance absolutely right—they had negotiated with employers and employees; they said they had the balance right. They got back in, with the connivance of the Australian Greens and the country Independents, and 400 pages of amendments to the Fair Work Act have been passed by the 43rd parliament—in complete breach of their promise and their assertion to the Australian people that the Fair Work Act was perfect and did not need amending. Here we are, 400 pages later. Having got the balance right between employers and employees in the original Fair Work Bill that was not to be touched, we now have 400 pages oozing with deals and privileges for the trade union bosses—no balance anymore; a complete breach of promise to the Australian electorate.

As we get into the dying hours of this parliament and of this sitting week, the Australian people have a stark contrast between an opposition that has a real solutions plan that has been put out to the Australian people for them to consider in detail, and a government that is riven and driven by revenge, personality and hostilities, without an agenda for the nation other than two items on Mr Rudd's agenda: revenge within and attack on Tony Abbott without. If he were to be Prime Minister after the next election, he would sit back and say, 'My great achievement is to deny Mr Abbott the prime ministership.' That sort of relentless negativity is not acceptable.

The DEPUTY PRESIDENT: The time for this debate has expired. The question is that these bills be now read a second time.

Question agreed to.

Bills read a second time.

Third Reading

The DEPUTY PRESIDENT (10:00): The question now is that the remaining stages of these bills be agreed to and the bills be now passed.

Question agreed to.

Bills read a third time.

Health and Other Legislation Amendment Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIERRAVANTI-WELLS (New South Wales) (10:01): I rise to speak on the Health and Other Legislation Amendment Bill 2013, which is yet another bill which is going to be guillotined in the dying hours of this parliament, to add to the other 55 bills that will be guillotined and the 216 bills that this government, with their Green alliance partners, are guillotining in this place. It is absolutely outrageous, but I am not surprised that this bill has been shuffled in. It has been on the Notice Paper about five or six times, but it is little wonder that we are seeing it now in the dying hours, because this is a bill that is intended to clean up another major stuff-up by this Rudd-Gillard government. This one is sheeted home to Mr Rudd, because when the stuff-up occurred he was at the helm. Here we are, in the dying hours, trying to retrospectively fix a major problem that this government has created.

This bill contains a number of non-contentious issues. It deals with various changes in relation to food standards, medical training and industrial chemicals. I will not dwell on those. The contentious issue of this bill surrounds Medicare. Medicare is a brand, as we all know, that belongs to the Australian people. As the law currently stands, the use of the word 'Medicare' is protected by section 41C of the
Human Services (Medicare) Act 1973. This provision creates an offence of the use of the name 'Medicare' in connection with a business, trade, profession or occupation. Where the name 'Medicare' or a prescribed symbol is used as part of the name or emblem of an association, or in connection with any activity of the association, the association, if it is a body corporate, is guilty of an offence. If the association is not a body corporate, every member of the committee of management is guilty of an offence. Section 41C(6) does state:

Proceedings under this section shall not be instituted without the consent in writing of the Attorney-General.

And so we have, in 2010, then Prime Minister Rudd announcing his grand health reform agenda, which included replacement of divisions of general practices with new primary healthcare organisations to be known as 'Medicare Locals'. Of course, at the time they initiated this so-called health reform agenda, the member for Griffith was Prime Minister and former Attorney-General Roxon was the Minister for Health and Ageing. It is a matter of public record that their working relationship was, suffice it to say, less than ideal. It is very clear from comments that have been made recently how Ms Roxon actually feels about Mr Rudd. Having trawled through the innards of that so-called health reform, it is very clear why their relationship was such a negative one. One can only imagine the conversations when Prime Minister Rudd and then Minister Roxon trawled through those hundred hospital visits in their white coats—Doctor Rudd and Nurse Roxon trailing around the countryside, basically photoshoots. The photoshoots were really what it was all about.

Now that Prime Minister Rudd is back, no doubt it will all be about photoshoots and spin, because that is all the so-called health reform was about—that and the billions of dollars that have been wasted on all those new bureaucracies which are doing very little and not serving patients. All this money has been wasted on bureaucracies, and not one patient has been assisted. But let me return to the bill at hand.

Nineteen Medicare Locals were established in July 2011, and the full 61 were operational in July 2012. They have been established as companies and receive funding from the Department of Health and Ageing. According to the act, those entities may be guilty of an offence for use of the name Medicare. Clause 22 of the bill repeals section 41C(6) and replaces it with an exemption to offence provisions for activities authorised by the secretary or a prescribed delegate. What does that basically mean?

The clear purpose of this legislation is to retrospectively legalise the government's franchising of the Medicare brand to Medicare Locals and also give the government greater scope for similar future activities—as I said, nothing more than retrospectively fixing a bungle that this government created. Now they are doing it in the dying days of this parliament in the hope that it will all be shuffled under the carpet and nobody will notice.

Under Ms Roxon, the then Minister for Health and Ageing who set up these entities called Medicare Locals, it is very clear that all Labor were trying to do was look for the headline. That is why they chose to use the name Medicare; it was to dupe people into thinking they were going to receive some sort of medical service. You would think that, when a member of the Australian public enters a Medicare local, they would have some very reasonable expectations of some form of medical service, but under this government nothing can be assumed. You cannot enter a Medicare local office and receive any form of Medicare assistance.
You cannot enter a Medicare local office and have a Medicare claim processed. You cannot enter a Medicare local and see a doctor. You cannot enter a Medicare local and see a nurse or receive any form of medical attention. In fact, Medicare Locals have absolutely nothing to do with Medicare or with any form of medical assistance.

When I first heard the name 'Medicare local', I thought it was a place to get a refund and a beer! Indeed, over estimates I have actually asked what bright spark in the Department of Health and Ageing came up with the name. I asked back in 2010. Now I understand why the bureaucrats gave me a weasel-word answer. I never got a straight answer to my question. I asked again in 2011 and again I did not get a proper answer. On 6 June this year I again trawled through, and it was very clear by the gobbledegook that I was given—the bureau babble speak—that this was nothing more than a massive stuff-up that the government is now trying desperately to rectify, because all Medicare Locals, as the law stands at the moment, are in breach of the law. It is another monumental display of incompetence from a desperate and dysfunctional government in a blatant attempt to fool the Australian people into thinking that they are getting some form of health benefits.

I would like to know from the minister how much money has actually been wasted by this government on building the brand name 'Medicare Locals'. I would like to know from the minister when this government was first advised that using the name 'Medicare Locals' was a clear breach of Commonwealth legislation. I would like to know what exactly a Medicare Local is—what do they actually do? We have trawled through hours and hours of estimates, hours and hours of discussions in relation to—

Senator McLucas interjecting—
are over 3,000 people, mostly staff, who do not see any patients and are employed across the Medicare Local network. Now this government is spending over a billion dollars on its dozens of new bureaucracies, new structures, and it wonders why it has no money left for patients.

From a coalition perspective, we have consistently said that we support a role for the coordination of primary care, but we do not support money being prioritised away from patients into vast bureaucratic structures. It is also worth noting that the Department of Health and Ageing and its existing agencies already employ over 6,000 people. According to the minister, this number has effectively increased by 50 per cent. When the sad and sorry saga of the Rudd-Gillard government comes to an end, Minister Plibersek will be remembered for pouring taxpayers' money into bureaucratic positions and not pouring money into more doctors, nurses or beds. For this reason the coalition has indicated that we will be formally reviewing the structure of Medicare Locals if we are elected in September.

In this debate it is worth pondering on some of Labor's health record during its time over both the Rudd and the Gillard governments: $1.6 billion ripped out of public hospitals; $4 billion ripped out of private health insurance; and $1 billion ripped out of dental health through the closure of the Medicare Chronic Disease Dental Scheme. There was the promise of 16 early psychosis prevention and intervention centres, EPPICs, which were supposedly to be in partnership with the state governments. Whilst the agreements were about to be signed with some of those governments, all of a sudden Minister Butler changed his mind, ripped all that up, and decided to change his tack on the centres, and all we have is a one-page press release with very, very little detail as to how all of this is actually going to occur.

I am conscious of the time, so I will make some general closing comments, because I do know that Senator Back wants to make a contribution in this space as well. The coalition, as I said, continues to support a role for coordination of primary health services. However, it is very, very clear that there remains a considerable lack of detail and conflicting information regarding the objectives of Medicare Locals. In relation to the current level of practical assistance provided to general practice there is a lack of detail about allied health professionals and patients and about how funding is being administered. We know that there is a lot of money being channelled through Medicare Locals, but we do not know how that money is being administered. More importantly, is it being administered effectively and is the Commonwealth getting value for money for these so-called 'services'? Are they effective in regard to their cooperation with the local hospital networks to keep people out of hospitals? We keep hearing that the lists in our hospitals are growing, and supposedly Medicare Locals are assisting with those lists, but the lists are increasing. We know that there is a duplication of function with existing state health programs, but we do not know how Medicare Locals determine market failure in their area and intervene without disrupting existing services. It is very important that, given the significant investment the Commonwealth is making, the coalition ensures that that funding is being spent as effectively as possible.

I conclude by saying that this bill is mostly uncontentious, barring the issue surrounding Medicare Locals. It is nothing more than a blatant attempt to fix up what has been a massive stuff-up by the government by trying to pass off a name, which is well known to the Australian people
as an office that delivers a particular service, to somehow buy themselves goodwill with yet another bureaucracy that we now know employs 3,000 people. We do not really know what they do and they certainly do not provide any services to Australians. It is an absolute disgrace. It is so typical of not only the dysfunction but the waste of these governments under Mr Rudd then Ms Gillard and now under Mr Rudd again. Of course, it will not be finishing there because, now that the ego has landed, I am sure we are going to see so much more spin and many more photo shoots that were so characteristic of his previous time as Prime Minister. As I said, the coalition will be moving an amendment to this bill.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (10:19): With regret I reflect on the gross embarrassment that has been visited upon this government when, on the last day that the 43rd parliament is sitting, we have to rush in through the back door and try to undo a gross level of incompetence that started with this Prime Minister, who was 'that Prime Minister Rudd', and is now the recycled Prime Minister Rudd, along with his then health minister Ms Roxon. What a shame Yes Minister or Yes, Prime Minister are not still alive, because there would be richness in the incompetence of this government should the writers of those series ever want to pick the pen up and have another go.

They, of course, reflected on the hospital with no patients. Here we have something far worse: the action of a government led by an incompetent minister with oversight from a grossly incompetent Prime Minister. They managed to establish a scenario in which the name Medicare, a prescribed symbol, should be used only in relation to Medicare itself. They found themselves in a circumstance where, by using the term Medicare Local, they made the body corporate of any association using the term guilty of an offence. If an association that used the term Medicare Local, as approved illegally by this government, was not a body corporate, then every member of the committee of management of that association was guilty of an offence.

What a scandalous situation—a Prime Minister who by that stage was totally out of control, a cabinet who could not in any way bring the man back to focus on good policy. The most endangered thing at that time was anyone who got between Mr Rudd and a camera or between Mr Rudd and a member of the media, who had been duped by the plethora and the football team of spin doctors. A health minister found herself in a scenario in which she was overseeing a circumstance where, under the Human Services (Medicare) Act 1973, section 41C, entities would be guilty of an offence if they used the name Medicare.

We have to look to the future because the present and the past, unfortunately, are littered with failure by a man whose own side had to remove him as Prime Minister simply because in their minds he was so incompetent that he could not govern the country. We then had transparency, we then had the light being let in for three years and—almost to the day—Ms Gillard, who replaced Mr Rudd herself, was then deposed only this week. I do not know if the young people in the gallery were here earlier in the week but, if you were, you were actually part of history when the second Prime Minister unelected in this circumstance was replaced by the first.

Should the coalition be privileged with government after the election—whenever that is held; it was to be 14 September and, if it comes forward from that, that is the end of the local government referendum, and if it is
after that, who knows what will go on?—there is one thing that the Australian people have to know. The country will be led by a man who was an outstandingly successful health minister—Tony Abbott, a person who during his ministry significantly increased medical research funding in this country, a person who was able to extend the benefits of Medicare to allied health services including diabetes treatment, a person who singularly and spectacularly was able to significantly decrease the incidence of smoking by young people with the introduction of graphic health warnings. Contrast that with the efforts of this government recently with the new world-first legislation that has completely and utterly removed the names on packages to no effect. In fact, we do not know the reason and we are going to try to examine it. A large retailer in Perth recently told me there has been an increase of 25 per cent in the purchase of cigarettes through his retail operations since that came in.

I go back to the excellence of Mr Abbott as health minister and the introduction of the Gardasil vaccine against human papillomavirus for young girls and women in this country, a world first. We have heard from the other side again—we hear it quite often from the person who is now the Leader of the Government in the Senate, Ms Wong—about the fact that Mr Abbott seemed to rip $1 billion out of the health budget. Let us actually examine what happened in that case, because in their last days the Labor government might learn something. Mr Abbott sat down as the minister and consulted widely with the health industry, with his own leaders and with state leaders. And you would not believe what they did: they set a budget to achieve clear guidelines and clear objectives—and they achieved those objectives and those key performance indicators. Like a good steward of good government showing good use of Australian taxpayers' money, they came in at $1 billion under what was budgeted. Was that a waste of taxpayers' money? If people think so, let them make that decision on the day the election is held.

But I go on further, if I may, because I understand from my leader in this area, Senator Fierravanti-Wells, that in government the coalition will commission a formal review and it will look at those key elements upon which this government, the Labor government of Mr Rudd, has been a failure. I have already been part of that review process, when we brought the now shadow health minister, Mr Dutton, to the town of Narrogin in the Great Southern of WA some weeks ago. Nine or 10 shire representatives, aged-care providers, doctors, nurses and others came in and Mr Dutton sat down and did something this crowd would not know about: he actually listened. And I am very proud to say: in the aged-care area, Senator Fierravanti-Wells will be doing exactly the same thing in my home state of Western Australia in the near future.

In the time left available to me, I want to reflect on the terms of reference for the review that will be undertaken by the coalition. It is to evaluate the practical interaction with local hospital networks, including their boundaries. It is to examine tendering and contracting arrangements. It is to look at general practice and the capacity, as Mr Dutton so eloquently said in Narrogin recently, to actually recognise general practice as the cornerstone of primary care, which, of course, this government has removed. It is to ensure Commonwealth funding supports clinical services—clinical services rather than administration. I hope the young people up there in the gallery are feeling healthy and well and I hope they are attending to their studies, because what they
need to know is that, under this government, under the leadership commenced by Mr Rudd, now having picked up that mantle again, this country today is paying $1,000 million a month interest on the debt that the Labor government has run up. That is $1 billion a month—not in repayment of the debt; just in paying the interest.

Senator Eggleston is himself an eminent doctor. How many hospitals around Australia, Senator Eggleston, through you, Mr Acting Deputy President, could be built in this country for the $1 billion that we are now spending a month on interest? How many nursing posts around Australia could be established? How many medical practices could be supported? What medical and related research could be undertaken? What dental activity can be undertaken for low-socioeconomic members of our community just with the money that would be saved if this government had not squandered your money? I say I hope you are all in good form because it will be you, and even your children, who will be paying back that debt over time.

This is the tragedy in rural and regional Western Australia now. Provision of medical services in many areas is now broken. It is a joint responsibility between federal and state governments. But as Senator Eggleston and I know in WA, local governments themselves are paying money that they really do not have, up to a quarter of a million dollars a year, just to provide doctors in those small communities. If there are no doctors, you cannot expect families to stay.

So therefore we have a circumstance, unfortunately, where local government is having to stump up its own money. Why in heaven's name local governments in rural Western Australia would be supporting a referendum to give the federal government some control over their affairs where they currently have none I cannot possibly conceive. All I can do, as Senator Fierravanti-Wells has said, is to hope this crowd do not do more damage before they are kicked out.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! The time allotted for the consideration of this bill has expired. The question is that this bill be now read second time.

Question agreed to.

Bill read a second time.

The PRESIDENT: The question is that schedule 1 stand as printed.

Opposition's circulated amendment—

(3) Schedule 1, items 20, 21 and 22, page 5 (line 15) to page 6 (line 26), items TO BE OPPOSED.

The Senate divided. [10:35]

(The President—Senator Hogg)

Ayes ........................35
Noes ........................30
Majority ...............5

AYES

Bilyk, CL
Brown, CL
Carr, KJ
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Lines, S
Ladwig, JW
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wright, PL

NOES

Abetz, E
Bernardi, C
Brandis, GH

Bishop, TM
Cameron, DN
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

Back, CJ
Birmingham, SJ
Bushby, DC (teller)
The question now is that amendments (1) and (2) on sheet 7341 circulated by the opposition be agreed to.

Opposition's circulated amendments—

(1) Clause 2, page 2 (table item 4, column 1), omit "items 20 to 23", substitute "item 23".

(2) Schedule 1, page 5 (line 14), omit the heading.

Question negatived.

Third Reading

The PRESIDENT: The question now is that the remaining stages of this bill be agreed to and this bill be now passed.

Question agreed to.

Bill read a third time.

Agricultural and Veterinary
Chemicals Legislation Amendment
Bill 2013

Second Reading

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

Senator COLBECK (Tasmania) (10:37): I rise to make my contribution to the debate on the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2013. This is another important piece of legislation that is being guillotined through this place, with less than 25 minutes for debate. That means that only two people will get the opportunity to speak on this piece of legislation that is one of the 55 that is being guillotined through this place just in this week. There are 55 pieces of legislation; yet the previous Howard government was criticised up hill and down dale for guillotining 32 pieces of legislation in an entire term of parliament. Yet this bill is one of 55 guillotined in just one week and one of more than 216 in this term of parliament.

This bill continues a theme I have mentioned a number of times in presentations this week and in recent weeks, that of the adding of cost to industry, and particularly agriculture, by this government. They ignore the calls of industry to reduce the cost of government to business. They have a history of adding government cost to business. Despite the new Prime Minister, Kevin Rudd, saying just yesterday that he was going to take—

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! I remind you to use the correct title for the Prime Minister.

Senator COLBECK: My apology, Mr Acting Deputy President. Despite the new Prime Minister, Kevin Rudd, saying just yesterday that he was going to take—

The ACTING DEPUTY PRESIDENT: No, you called him Kevin Rudd.

Senator COLBECK: My apology, Mr Acting Deputy President. Just yesterday Mr Rudd said that he would take a different approach to business, and yet we see the government continue to proceed with legislation under the gag that will add cost of government to business.

You cannot believe a word this Prime Minister says, just as you could not believe a word the previous Prime Minister said.
previous Prime Minister told us, 'There will be no carbon tax under a government I lead,' then proceeded to introduce one. The new Prime Minister said, 'We will take a new approach to business,' then proceeded to continue with the old approach to business: add cost of government to business. The government talk about Australia being the food bowl of Asia. All they do is make us less competitive and make it more difficult to get product out of the country. Export fees and charges under this government have risen by up to 1,600 per cent for a small operator. We cannot afford to get our product out of the country, let alone be the food bowl of Asia. The government with this piece of legislation is doing more of the same, joined happily, I must say, by the Greens.

Senator Siewert interjecting—

Senator COLBECK: I am pleased you make the interjection, Senator Siewert—the acknowledgement that you are adding cost to business, because that is exactly what this bill does.

The ACTING DEPUTY PRESIDENT: Order! Senator Colbeck, you will address your remarks through the chair. Senator Siewert, it is disorderly to interject.

Senator COLBECK: It might be disorderly to interject, but it is within my right to acknowledge the interjection, and I do so because it makes the point that I want to make. This government, in conjunction with the Greens, has devastated Australian industry and business around this country—those two together, and particularly the former Minister for Agriculture, Fisheries and Forestry Mr Tony Burke, who set this process in train and who did a deal with environmental groups to set this process up. They wanted to get at agricultural chemicals that were available for industry. How do I know? They have told me that this has been a four-year campaign. They want to get rid of agricultural chemicals that are important to industry here in Australia. The Greens also want to get rid of agricultural chemicals that are important to industry here in Australia. That is why they have teamed up with the government. Senator Milne trots around the countryside saying the Greens are friends of the farmer. The farmers know who their friends and their enemies are, I can tell you quite clearly, Mr Acting Deputy President. They know and they tell me who their friends and enemies are.

Here we have another bill being guillotined through this place, another bill that will add red tape and cost to industry—an estimated $2 to $8 million a year. What do we hear from industry? What are industry crying out for at the moment? They are saying to us, 'We need you to reduce the cost of government to business.'

We sat down in my office and we started doing a reconnaitre and looking over the dopey things that this government has done to agriculture. We came up with 13 pages of notes on additional costs from bad things that this government has done in respect of agriculture in this country. Firstly, there is the carbon tax. The government tried to tell agriculture that the carbon tax would not apply to them, but we know they all use energy. You talk to any dairy farmer—up to $15,000 in additional direct costs on farm from the carbon tax. Then there are the costs pushed back down the supply chain from the processors, because processing dairy products is an energy-intensive business—30 per cent of the cost of dried milk powder is energy. That cost cannot be passed back to the consumer, as some Labor members have tried to tell us industry could do, because product is sold on the global market. So the cost is passed back to the dairy farmer, and the dairy farmer wears that cost. We have Minister Burke, the culprit again, who said
that dairy farmers would benefit from Coles selling milk for a dollar. That is how out of touch this government is. That is how out of touch with agriculture this government is.

Just imagine a small cherry exporter, like the one in my home state of Tasmania, who are looking to get cherries into the lucrative Asian market and are paying $500 a year for the registration of their shed. Those fees are to go to $8,500. They cannot afford to get the cherries out of the country; their total sales are $36,000 a year—a quarter of that just to register their shed for export. These are the absurdities that this government has come to with this through the last six years.

And here, on the last day, guillotined with less than 25 minutes to speak in this place, we have another piece of legislation that adds millions of dollars a year to the cost of doing business for agriculture in this country. Agriculture came and told us that; the National Farmers Federation came and told us that. How are we to remain competitive in the global market—the global market that this government says is going to be an important part of the future for agriculture—if it is too expensive to get our product to market? Because the government has gone to sleep on free trade agreements we are at a tariff disadvantage getting into those markets, and then the government takes away access to the agricultural and veterinary chemicals that are important to the agricultural industry and animal husbandry to grow and produce that product that they are supposed to send. It is because Tony Burke did a deal with the environment groups before the 2010 election. That is the genesis of this. We know because they told us.

Then there is the damage that this government has done to our markets by banning the live export trade to Indonesia. That did damage not only to our relationship but also to our markets. Then there was the flow-on damage, the absolute animal disaster that is occurring in the north at the moment, as a result of the fact that the stations up there are overstocked. This government has no affinity with the agricultural community. It has no understanding of the agricultural community. It is understandable that agriculture is so frustrated with the relationship and with the way that they have been treated, when the government continues to add the cost and red and green tape to their businesses, making them less competitive.

It is absolutely ridiculous to suggest that here we have another piece of legislation that continues to add cost, that continues to add red tape. And it is no wonder that the opposition continues to express its dissatisfaction with the way that this government is treating it, as it has done with so many other elements. Minister Burke—I am not sure what he is minister for at the moment, but I understand that he is going to remain a minister even though he was a supporter of the previous Prime Minister—Senator Bushby interjecting—

**Senator COLBECK:** He might have offered his resignation, Senator Bushby, but if he really meant it he would have insisted on it, like some of his colleagues did.

*Senator Smith interjecting—*

**Senator COLBECK:** Or, more preferably, resigned from parliament. There would be a lot of people happy about that, Senator Smith—I think you are right. This is a man who has done so much damage to the agricultural sector. I am really disappointed that the minister who had the courage to resign over the recent change in leadership and stick to it was pushed aside so many times by the government and was not able to deal with some of the impositions of Minister Burke into the agricultural
portfolio. Minister Burke set a whole heap of this up when he was minister between 2007 and 2010. He is the minister who did not even leave a policy for agriculture at the 2010 election. He is the minister who set up the harvest strategy in the small pelagic fishery, inviting companies to bring vessels into that fishery and then, when there was a ruckus kicked up, changed the law to send them away—that is now in court. The judge has described that legislation as poorly drafted. That is the record of Minister Burke.

And it is Minister Burke who has driven the destruction of the forest industry in my home state of Tasmania. He is one of the early architects of this legislation. In Tasmania this government is spending $100 million at the moment on a slush fund for the next election to shut down an industry. This government talks about jobs. It is spending taxpayers' money to shut industry down, and that is also the effect of this sort of legislation, which adds red tape, green tape and cost. It is expending, in this case, industry funds to make them less competitive, and that is why we object to this piece of legislation.

This piece of legislation went through two inquiries, one in the House of Representatives and one in the Senate, something that does not often happen, I have to say. In both houses there was concern about particularly the reregistration process in this piece of legislation. That is where the additional cost comes. That is where the attack on the availability of agricultural and veterinary chemicals comes as part of this bill. And that is what concerns the opposition about this piece of legislation.

It is also why we are disappointed that only 25 minutes has been given to the debate on this. There are a number of people with particular expertise on this piece of legislation. Senator Back in particular, an experienced veterinarian with real concerns around the design of this piece of legislation, will not get the opportunity to speak on this piece of legislation because of the gag—the gag that has put 55 pieces of legislation through this house in just a week. And yet it does not seem to be too much of a problem for this government, which complained bitterly about 32 gags in the entire Howard government of 2004 to 2007.

This piece of legislation adds over 200 new pages of regulation and removes none. When you look at the approach that the coalition is taking versus the approach that the government is taking to regulation and red tape in this country, it exposes quite clearly the difference between the two. Over 20,000 new regulations have been imposed by this government. The opposition has a commitment to reduce red tape and regulation by a billion dollars a year. Yet this government still does not get the message. It still does not have the connection that people in the community and business are crying out for government to get out of their way and reduce the regulatory burden. I am not sure how many regulations the government has actually reduced or has actually taken away, but I reckon you could probably count them on one hand, and yet it has put 20,000-plus in place. Our commitment is to remove the regulatory burden, and our commitment is to make it easier for business and less costly for business.

In respect of this bill, one other thing that really concerns us is the capacity of campaigns to add cost. We have seen how, particularly in the case of the live export debacle that the government created, when a few emails start rolling in the door, they react. They do not sit down and assess. They closed the live export trade to Indonesia. We know that the new Prime Minister, Prime Minister Rudd, was then foreign minister and was telling the Indonesian foreign minister
that everything was okay: 'It'll be okay. It'll be all right. We'll negotiate with you. We'll sort something out.' The cabinet back here in Australia were of a different mind. They made a decision to ban the trade the following day. Prime Minister Rudd, then foreign minister, was not aware of it. The Indonesians heard about it on the radio. So we know what the potential effect of campaigns can be, particularly with the Labor Party dependent on the Greens in power.

The capacity under this piece of legislation for campaigns to escalate from what the government tries to assure us is going to be a low-level cost for the re-registration cycle of chemicals to become something that is much, much more expensive, and that requires full documentation, is of real concern to the coalition. It is of real concern to industry because they have seen the effect of GetUp! style campaigns, particularly on the Labor Party, and being driven by the Greens—the Labor Party's coalition partner that has been so destructive for this country and particularly for my and Senator Bushby's home state of Tasmania.

The negative impact on Tasmania of the Labor-Green accords at a state and federal level has been absolutely devastating. Our economy is going backwards. Our unemployment is way above the national average. Why would we not be concerned about the potential for more of the destructive type campaign that we have seen impact on our home state to be embedded into the process with another piece of legislation such as this? Because we know how the Labor Party is prepared to succumb. And so we oppose that approach.

We are more than happy and, in fact, we are determined that agricultural and veterinary chemicals that are utilised in this country be safe. We are determined that there be a strong regulatory regime, but we do not want to overdo it. We do not want to hand it to the GetUp! style campaigns so that all you have to do is press a button, perhaps not even knowing that you are sending an email to a campaign type set-up and adding to a perceived level of concern to the community over that process. These processes need to be rigorous. They need to look at all of the data, but we do not need to overdo the process. We do not need to bring in additional regulations because a small group decide that that is what we ought to do. We have a strong record in this country and we need to ensure that our regulators do the work that is required of them. It is important for the efficacy of agriculture that we have a strong regime of agricultural and veterinary chemical registration in this country. I do not think that there is anybody who would disagree with that. But we do not need to overburden industry in this country with costs. We are already—and it is widely acknowledged—high-cost producers.

So why continue to add and layer additional costs where it is not necessary? Why continue to put in place the capacity for campaign type systems when we know that is the way that the Labor Party and the Greens react? Let us have a sensible and strong regulatory regime, but let us not overdo it. Let us not put in place processes and regulations that add millions of dollars a year to the cost, but require, in the case of the campaign, to go back and to go back and to go back. The agricultural— (Time expired)

Senator SIEWERT (Western Australia—Australian Greens Whip) (10:58): I rise in support of the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2013 and seek leave to table a letter which I have circulated to the whips, which is the government's response to the concerns that
we have raised through our report on the committee inquiry into this bill.

Leave not granted.

Senator SIEWERT: The Greens believe that Australians should have access to the safest and smartest methods and chemicals available for pest management in their homes and gardens and, in particular, for the production of the nation’s food. However, the Australian Pesticides and Veterinary Medicines Authority has never had the proper legislative triggers it needs to systematically review and quickly remove highly hazardous and unmanageable pesticides from the market, making way for safer pesticides.

Australia still allows highly hazardous pesticides banned in other countries. It permits pesticides to be used in our food that are known to cause cancer and mutations. It allows pesticides that cause reproductive damage and long-living pesticides that build up in the environment and in wildlife, where they cause damage. The APVMA is one of the last regulators in the world to recognise that, for example, the insecticide Endosulfan was unmanageable, despite all of the scientific evidence clearly labelled for it. Endosulfan is now listed on the Stockholm Convention on Persistent Organic Pollutants and is banned globally. It will take years before its residues disappear from our bodies and the environment. The authority to date has taken an ad hoc approach to chemical review. There is no rationale for what ends up on the chemical review list. We believe these changes are necessary. You should not continue to have on the list a pesticide that is a known carcinogen.

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! The time allotted for the consideration of these bills has expired.

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

The Senate divided. [11:05]

(The President—Senator Hogg)

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

AYES

Bilyk, CL
Brown, CL
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Waters, LJ
Wright, PL

NOES

Back, CJ
Birmingham, SJ
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Mason, B
Nash, F
Payne, MA
Ruston, A
Sculion, NG
Smith, D

Question agreed to.

Bill read a second time.
Third Reading

The PRESIDENT (11:07): The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

The Senate divided. [11:08]

(The President—Senator Hogg)

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

AYES

Bilyk, CL
Brown, CL
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
Polley, H (teller)
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Waters, LJ
Wright, PL

Bishop, TM
Cameron, DN
Crossin, P
Faulkner, J
Furner, ML
Hanson-Young, SC
Lines, S
Ludwig, JW
Marshall, GM
McLusca, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

NOES

Back, CJ
Birmingham, SJ
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Parry, S
Randalson, M
Ryan, SM
Sinodinos, A
Williams, JR

Bernardi, C
Bushby, DC (teller)
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Smith, D

Question agreed to.

Bill read a third time.

Public Governance, Performance and Accountability Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator SINODINOS (New South Wales) (11:10): It is a pleasure to give this speech while you are in the chair, Madam Acting Deputy President. There are some of us who hope you may in fact return at some stage.

The ACTING DEPUTY PRESIDENT (Senator Crossin): Thank you.

Senator SINODINOS: The Public Governance, Performance and Accountability Bill 2013 proposes to replace the existing model for Commonwealth financial management established through the Financial Management and Accountability Act 1987—the FMA Act—and the Commonwealth Authorities and Companies Act 1997—the CAC Act. It would consolidate under one piece of legislation the governance, performance and accountability requirements for the Commonwealth and relevant entities, which are covered currently under both the FMA and CAC acts. The bill would introduce a new framework for the finances of the Commonwealth, impacting on some 195 entities and around 300,000 individuals who work with them.

So this is not a reform to be taken lightly or a reform to be driven by undue haste. Yet, in the dying days of this parliament—for the benefit of those in the gallery—we are being asked to approve a complex bill on which we are provided with a framework but no rules as to how the bill will actually impact, in practice, on the operation of Commonwealth entities. We are talking about entities that cover the management and accountability for revenue and expenses of over $350 billion—
that is your money, taxpayers' money—as well as assets of over $390 billion, which are your assets, and liabilities of over $640 billion—liabilities that we have rung up in your name. This type of reform is precisely the sort of reform that should be covered by a new parliament regardless of its colour or stripe.

Most appropriately, this bill has been subject to an inquiry by the Joint Committee of Public Accounts and Audit. Two fundamental concerns have been identified: the lack of detail as to how the new financial framework would actually be applied, and the unnecessary haste with which it is being brought before this parliament and the need for additional consultation. One of the great problems that this government has had and one of the reasons their governance and their policy process has been so fraught and so mistaken is that they have not consulted properly with stakeholders, business, the private sector, non-profit groups and the community on important pieces of reform.

The major issues the bill largely represents are the direction and principles of reform, with much of the detail to be set out in future rules tailored for individual entities. We agree with the broad principles behind the bill; they are not objectionable. The Commonwealth should operate as a coherent whole. These are public resources, and a common set of duties should apply to all resources handled by Commonwealth entities. Performance of the public sector is about more than the finances. And engaging responsibly with risk and managing risk is a necessary step in improving performance.

It is true that the current framework is pretty complex and fragmented, so reform is needed. A single act would, as far as practicable, apply a consistent set of principles based on a framework for all Commonwealth entities. It should also be compatible with specific enabling legislation which mandates the establishment and functions of public entities. There is greater emphasis, appropriately, on risk management, something that is said to be deficient in the existing framework. This should be applied in a way that accommodates both autonomy and personal responsibility, and that would be welcomed.

According to the explanatory memorandum, the bill seeks to bring about cultural change by placing a duty on entities to establish their own appropriate systems of risk oversight and management and by introducing the principle of earned autonomy. You can earn lesser oversight if you have a track record of dealing well with risk. This would draw on the better-practice principles for regulators identified by the Productivity Commission.

The existing framework—the one that we are seeking to replace—is also described as very linear and focused on straight lines of vertical authority, which create hurdles to what we call citizen-centric service delivery. In other words, there are too many silos in government dealing with services that go to you as a whole person. This is something that is important for policy in the future to recognise so that it is less fragmented and less complex for Australian citizens to navigate in getting services out of government.

None of this is objectionable. But what is objectionable is not knowing how, or if, these principles will in fact be satisfactorily applied. This detail will only be revealed in a specific set of rules, the legislative implements, which is yet to be drafted let alone sighted. The general consensus is that this will be developed over 12 months. What the bill does afford is quite substantial power and discretion for the finance minister, under sections 101 to 105, to make rules necessary
or convenient to be prescribed in carrying out, or giving effect to, this act. And the government has agreed to subject these future instruments to the scrutiny of the Joint Committee of Public Accounts and Audit, as it should.

We believe the draft rules should have been prepared for public exposure so that there would be consultation. We have until 1 July 2014. There is time to do this properly. There is no need to rush the process. The Auditor-General, Ian McPhee, told the recent Joint Committee of Public Accounts and Audit inquiry that he would be more comfortable with this legislation if the bill had been subject to a more open exposure process given the number of entities and officials affected by it and because of the fundamental importance of the legislation, as indicated earlier. He said: 'We also have no visibility of the complementary rules which, together with the legislation, will establish the Commonwealth's financial management framework and contribute significantly to it. So our support for the legislation is more measured than it may have been under different circumstances and with more time.' That is the Auditor-General, the chief auditor to the Commonwealth, putting up not an amber light or a green light but a red light and saying let us consider this further, let us consider this properly.

His views were supported by the Australian Public Service Commissioner and even the Chief Operating Officer of the Australian Broadcasting Corporation—no friend of some on this side of the House—who said: 'I guess the reservation we have about the haste is around clarity on the rules that sit underneath the legislation and the detail that flows with them. That would be our one caution around the timing and haste of this.'

So we have a series of people, not necessarily partisan individuals—I do not know how some of them vote but in a couple of cases they are statutory officers—and they are saying we need more time. In conclusion, delay seems prudent given the lack of imperative for this bill to be passed by this parliament. If it is not passed, nothing will change. It will be business as usual and the entities covered under the existing framework will continue to function without any negative impact on taxpayers and the broader community. It is for these reasons that the coalition stands opposed to the Public Governance Performance and Accountability Bill 2013 in its current form.

Senator SMITH (Western Australia) (11:18): I am sure that people in the gallery this morning and those who are listening to the broadcast would agree that there is nothing more important in the management of our political affairs than how we look after taxpayers' money. In the current context people might want to add to that calling an election and defending the Constitution, but broadly speaking no-one would argue that there is a task more important in government than that of protecting taxpayers' money. So it is worth reflecting briefly on why it is that the Australian Greens are going to support the government, not the coalition, when it comes to the prudent financial management of taxpayers' money. That is worth reflecting on. The Australian Greens talk about transparency and open democracy but when the rubber hits the ground they vote with Labor. They do not vote with the prudent financial managers, the coalition; they vote with Labor. So there is a lot of talk but very little action from the Australian Greens when it comes to the proper management of taxpayers' money.

I think it is worth reflecting on two critical points. What Senator Sinodinos says is right: the two most trusted people in the Australian
bureaucracy—the Public Service Commissioner and the Auditor-General—have said stop, do not proceed any further with this reform. Instead, the government in its wisdom, supported by the Australian Greens, is going full steam ahead. It is worth reflecting on what the Auditor-General said. He said, 'We would feel more comfortable with this legislation if the bill had been subject to a more open process given the number of entities and officials affected by it and because of the fundamental importance of this legislation.' It is worth reflecting on what the Auditor-General said:

We would feel more comfortable with this legislation if the bill had been subject to a more open process, given the number of entities and officials affected by it and because of the fundamental importance of this legislation.

He went on to say during the Senate estimates process:

Some more time for consultation in respect of the draft bill would have been, I think, helpful to increase the awareness of the proposals within it and to bring everyone on board with the new approach. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Crossin): The time allocated for this debate has expired. I propose the question that this bill be read a second time.

The Senate divided. [11:24]

(President—Senator Hogg)

Ayes.........................34
Noes.........................30
Majority....................4

AYES

Bilyk, CL
Brown, CL
Conroy, SM
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
McEwen, A
Milne, C

Rhiannon, L
Singh, LM
Sterle, G
Thorp, LE
Waters, LJ
Wong, P

Polley, H (teller)

AYES

Back, CJ (teller)
Birmingham, SJ
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Johnston, D
Kroger, H
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR

Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS
Wright, PL

NOES

Bernardi, C
Cash, MC
Cormann, M
Eggleston, A
Fierravanti-Wells, C
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ruston, A
Scullion, NG
Smith, D
Xenophon, N

Question agreed to.

Bill read a second time.

Third Reading

The PRESIDENT: The question now is that the remaining stage of the Public Governance, Performance and Accountability Bill 2013 be agreed to and this bill be now passed.

Question agreed to.

Bill read a third time.

Tax Laws Amendment (2013 Measures No. 1) Bill 2013

Tax Laws Amendment (2013 Measures No. 2) Bill 2013

Tax Laws Amendment (2013 Measures No. 3) Bill 2013

Debate resumed on the motion:

That these bills be now read a second time.
Senator CORMANN (Western Australia) (11:27): Another day and another three Labor Party taxation bills which this arrogant government wants to arrogantly push through the Senate with just half an hour of debate. Normally each one of these bills—the Tax Laws Amendment (2013 Measures No. 1) Bill 2013, the Tax Laws Amendment (2013 Measures No. 2) Bill 2013 and the Tax Laws Amendment (2013 Measures No. 3) Bill 2013—would have a substantial debate in its own right, each one of these bills would be subject to the proper scrutiny of the Senate and each one of these bills would be properly fleshed out so that all of us could be in a position to make a considered and well-informed judgement about whether proceeding with it was in our national interest or not. But, while this government may have changed its leader, it is still the same old dysfunctional, divided, chaotic, incompetent and arrogant government as it was before.

Our new Prime Minister has a very bad track record when it comes to tax, because the reckless, wasteful spending and the massive debt and deficits started under the former Prime Minister, now the new Prime Minister, Kevin Rudd. I think it is worth the Senate's remembering what Prime Minister Rudd was like in his first iteration as Prime Minister of Australia. He promised the Australian people back in 2007 that he would be an economic conservative, that he would be a mini John Howard. He was trying to tell people that it would be safe for them to change from John Howard to him because essentially he would just continue the sensible, sound fiscal management that had occurred for 12 years under the previous government with Prime Minister Howard and Treasurer Costello. But, of course, the wasteful spending got underway immediately. The new taxes got underway immediately. The massive new debt and deficits got underway immediately. That was one of the immediate broken promises from this government in its original iteration.

You have to remember that the Labor Party in 2007 inherited a very strong budget position. They inherited a budget with no government net debt. They inherited a budget with a $20 billion surplus. They inherited a budget with $70 billion worth of Commonwealth net assets. Prime Minister Rudd, in his first iteration as Prime Minister, immediately turned that situation around, delivering $129 billion worth of accumulated deficits on his watch. On Prime Minister Rudd's first watch as Prime Minister, he spent $129 billion more than he raised in revenue. That was despite the best terms of trade in 140 years. That was despite 12 new or increased Labor Party taxes, on Kevin Rudd's first watch.

Remember his first tax grab—the alcopops tax? The alcopops tax was a 70 per cent increase in tax on ready-to-drink beverages that was going to stop binge drinking by young girls, we were told. But that was just the spin. That is the spin we were getting from Prime Minister Rudd then because, while he was telling people that the 70 per cent increase from the alcopops tax was going to stop binge drinking, Treasury on the quiet was assuming that the consumption of alcopops would go up, but all of the revenue estimates from the increase in the alcopops tax were based on an expectation that consumption would actually go up and not down.

We had the increase in the luxury car tax. I well remember listening to then Prime Minister Rudd, the now recycled Prime Minister Rudd, saying that this would be a tax which would hit Maserati drivers, Porsche drivers and Rolls-Royce drivers. He was making the argument, 'Why shouldn't the Rolls-Royce drivers across Australia pay
more tax?" But when you look beyond the
spin, when you look at the detail, when you
look at the facts, what you realise very
quickly is that overwhelmingly the increased
revenue was expected to come from families
across Australia that were buying a new
family station wagon. Their rhetoric never
reflects what they do in practice, and Prime
Minister Rudd has that sort of track record.

Then we had the massive increases in
taxes on superannuation which started under
Prime Minister Rudd in his first iteration,
after he promised in the lead-up to the 2007
election that there would be no changes to
superannuation. In his own peculiar
language, he put some colour around the
promise when he made it. He said they
would not make any changes to
superannuation—'not one jot, not one tittle.'
That was the language used by the then
Prime Minister Rudd and the now recycled
Prime Minister Rudd.

Then we had increased tax targeting
people who take additional responsibility for
their own healthcare needs by taking out
private health insurance. Again, in the lead-
up to the 2007 election, the then leader of the
parliamentary Labor Party in opposition, Mr
Rudd, promised not to make any changes to
private health insurance arrangements. He
was not going to make any change to the tax
rebate that was a valued incentive for those
Australians who take additional
responsibility for their own healthcare needs
by taking out private health insurance, but on
coming into government he broke that
promise.

It was Prime Minister Rudd in his original
iteration who initiated Labor's failed mining
tax. Yes, he had a then trusted sidekick by
his side, former Treasurer Swan. But it was
then Prime Minister Rudd in his first
iteration who went out with a tax which was
so bad that he lost his job over it. Here we go
again: the Labor Party is now recycling it.

Why is it that under then Prime Minister
Rudd there were so many new taxes? Why is
it that under then Prime Minister Rudd the
government were not able to balance the
books even though they had the best terms of
trade in 140 years, even though they
inherited a very strong budget position from
the previous government and even though
they had introduced 12 new or increased
taxes? The reason they could not balance the
books was that they wasted too much money.

Remember Mr Rudd's efforts in his first
iteration as Prime Minister when he sought
to stimulate the economy by sending $900
cheques to dead people? He sought to
stimulate the economy by forcing people to
put pink batts into their roofs and, after 50
per cent of the money had been allocated, he
spent the next 50 per cent of the money
taking the batts out of roofs because houses
started burning down. Remember all of the
waste and mismanagement with all of the
money that was thrown at the overpriced
school halls under Mr Rudd, the now
recycled Labor Prime Minister, in his first
iteration as Labor Prime Minister—waste
and mismanagement everywhere?

Of course that is why the Labor
government, whether under Mr Rudd, Ms
Gillard or the recycled Mr Rudd, are not able
to live within their means. They have to
come up with one new tax grab after the
other. They have to ram them through with
their partners in crime, the Australian Greens
political party, in order to create some sort of
semblance that they are trying to get back
onto a proper, more responsible track. Of
course, in every budget they promise that
they are on their way back to a surplus. They
promise that the surplus is there in the
distance somewhere and say, 'We've got our
pathway to get there,' but, as you get closer
to it, the budget position keeps on deteriorating.

I listened to some comments yesterday where Prime Minister Rudd was trying to perpetuate the dishonest myth of a $70 billion black hole in the coalition’s budget figures. Let me just say: there is no $70 billion coalition black hole, but there is a $220 billion black hole that we can all see in the budget papers under the Rudd-Gillard governments. After six years of Rudd-Gillard-Rudd governments, there is a $220 billion budget black hole and it is growing.

If you look at every budget from budget to budget, you can see that whatever we are promised at budget time is thrown overboard by Christmas. Whatever numbers we are promised at budget time are no longer worth the paper they are written on, probably before Christmas, and usually just before Christmas is when they fess up to it, when they think nobody is watching and everybody is focused on other things.

Just look at Labor’s track record since the last election. In the lead-up to the last election, the former Treasurer quite dishonestly sought to make people believe that in 2011-12 the budget deficit would be just $10 billion. He provided this economic update to pre-empt the Pre-Election Economic and Fiscal Outlook, which is released by the secretaries of Treasury and Finance once the election has been called. So he promised that the deficit in 2011-12 would be just $10 billion. Guess what: 2011-12 is the final year for which we have a final budget outcome. I am sure, Madam Acting President, that you would be as astonished as I was to realise that the actual deficit for 2011-12 was $43.7 billion in the final budget outcome. That is a budget deterioration in just one financial year of more than $30 billion.

Of course, in 2012-13 we are on track for a budget deterioration from what was promised at budget time to what is emerging at the end of the financial year of $20 billion. We have had a budget deterioration from what was promised to what is being delivered of more than $50 billion under Labor for just two years. This is a situation which started under Prime Minister Rudd in his original iteration, which continued and accelerated under Prime Minister Gillard and which will only get worse under Prime Minister Rudd recycled.

The only way we are going to get our finances back under control, the only way we are going to get our budget back under control, is by achieving a change of government at election time, whenever that might be. Let me just note here that there was much wrong with government under Prime Minister Gillard. There was much uncertainty, much chaos, much dysfunction, much division and much incompetence. But at least the Australian people had some certainty about when the election would be. Now Prime Minister Rudd, recycled, has even taken that certainty away from the Australian people. He did not even want people to have any certainty in relation to the election date.

So here we are: another day, another three Labor Party tax bills which the government wants to ram through the parliament. These are not insignificant issues. In fact, on one of the bills, the government has now totally rolled over to the coalition perspective on it. It is in relation to the changes to the Tax Agent Services Act, where the government wants to bring financial advisers into the framework of the Tax Agent Services Act. The government wanted to ram this through the House of Representatives a couple of weeks ago. It wanted to ram it through the House of Representatives without even having an inquiry. Only because the
Independents on this occasion agreed with our view that that was completely inappropriate, completely outrageous, were we able to enforce an inquiry. There would not have been an inquiry and there would not have been any amendments if we had not been able to convince the Independents in the House of Representatives to do the right thing on this occasion. And what has happened since? The government totally rolled over—totally, 100 per cent, rolled over—by adopting our position when it comes to the changes to the Tax Agent Services Act.

We said that it was unreasonable to impose a massive change in regulatory arrangements on financial advisers by putting them into the tax agent services regime from 1 July 2013 with less than a week—with just two or three days to go now—before that would have come into effect. We said that there should be an extension in the implementation date to 1 July 2014. We said that there should be an extension to the current exemption for financial advisers from the Tax Agent Services Act. We said that there needed to be some clarification around the scope of financial tax advice in the legislation. We said a whole range of other things. The government adopted, holus-bolus, all of our recommendations, but it would never have come to this. This bill would never have been improved if the government had got its way in ramming things through the House of Representatives when it comes to ram things through the Senate.

The problem is that that is okay for schedules 3 and 4 of the original Tax Laws Amendment (2013 Measures No. 2) Bill 2013, but there was no proper inquiry in relation to schedule 5. Schedule 5 is an extraordinary schedule. It essentially seeks to increase the level of disclosure of tax arrangements in relation to individual corporate taxpayers. The genesis of this is politics. The genesis of this is that former Treasurer Wayne Swan was so embarrassed about the failure of his complex and bad mining tax, which everybody knew had not raised any meaningful revenue, and he was so desperate to keep the revenue figure in relation to the mining tax secret that he tried to hide behind the confidentiality provisions of our tax laws.

The truth of the matter—and everybody in the Treasurer’s office knows that this is true—is that there was nothing and there is nothing in the tax laws now that prevented the Treasurer from releasing information about mining tax revenue collections in aggregate at that time. Indeed, the Senate passed an order of the Senate ordering the Commissioner of Taxation to release that information, and the tax commissioner was about to provide that information to the Senate and indeed eventually did provide that information to the Senate. The only reason Wayne Swan eventually went public was to fess up that the mining tax, which he had predicted would raise $4 billion this financial year in net revenue, had raised just $126 million in gross revenue over its first two quarters. He went out because he could. When he was trying to run this line that somehow he was stopped by confidentiality provisions in our tax laws, that was just an excuse. He wanted people to believe that he could come up with a new tax, he could make predictions on how much it could raise and he could spend all of the money that he thought it would raise. But then, when the tax had actually come into effect, he was not able to tell people whether it had, in fact, raised what he had predicted it would raise.

That was always a ridiculous proposition. This suggestion, that he would go to jail if somebody told him what the information was, was just completely ludicrous. But this bill—the changes in schedule 5 of the Tax
Laws Amendment (2013 Measures No. 2) Bill 2013—is essentially his effort to keep that illusion of that excuse alive, by going completely overboard in terms of making changes that are not required for taxpayer confidentiality arrangements or tax disclosure arrangements in relation to individual corporate taxpayers, because he wanted to continue to keep that illusion of his excuse alive.

Quite frankly, if Mr Rudd and Mr Bowen wanted to demonstrate that there had been any change in direction under the current government, they should have immediately pulled this very bad, very outrageous, inadequately scrutinised and inadequately thought-through tax bill—which imposes excessive and inappropriate disclosure arrangements on individual taxpayers in relation to individual taxpayer information. But I suspect that they are so distracted with all of the other Labor Party shenanigans and so focused on trying to stay on top of the civil war that rages inside the Labor Party that they probably have not had time to turn their minds to Tax Laws Amendment (2013 Measures No. 2) Bill 2013 in the Senate—which is a real shame, because this is bad legislation. It is against our national interests. It is ill thought out. It was 100 per cent political. It was all about a bad Treasurer trying to cover his backside. Our economy is going to be worse off for it.

The fact that this debate is now about to come to a close and we have only 10 minutes left to talk about all of the measures in these bills is just completely inappropriate. But it just shows that the Labor Party may change their leader but they have not changed direction. They are still the same chaotic, dysfunctional, divided, incompetent and arrogant Labor Party that they were before. (Time expired)
guillotine. But the Howard government, when they used the guillotine, were amateurs compared to what we have seen right here this week. This is disgusting. It is nothing short of disgusting.

So let me go to this bill. I would like to indicate my support for measures in this bill; however, I believe they need to go further. I have circulated an amendment to this bill in response to concerns from Australian subcontractors. I am grateful to the member for New England, Tony Windsor MP, whose office approached me in relation to this, because it is a legitimate concern about contractors being left in the lurch.

We have seen examples in recent times where companies that have won government tenders have left smaller subcontractors high and dry. These small Australian businesses deserve to know that companies that are awarded contracts are financially sound and able to meet their commitments. The amendment that I have moved would allow the minister to request certain tax information regarding a company, for the purpose of determining its financial situation. The minister will be able to release this information for the purpose of demonstrating the financial stability or otherwise of the company in question. I acknowledge that the government and the member for New England, Tony Windsor MP, have had extensive discussions about this issue. I was very pleased to take up Mr Windsor's concerns in relation to this, and I am grateful that he entrusted me with this.

My office has had extensive discussions with the Assistant Treasurer's office, who expressed their support for this issue, if not for my amendment. I now have a letter, which I have shown to the whips of the parties present in the chamber, that I seek leave to table. It is from the Hon. David Bradbury MP, Assistant Treasurer. It is undated but it has just been provided to my office. I seek leave to table a true copy of this letter.

Leave granted.

Senator XENOPHON: I indicate that the Assistant Treasurer makes the point that the House of Representatives has concluded for this winter sitting. He says, 'This means it would not be feasible for any parliamentary amendments made in the Senate to be considered by the House of Representatives'—the point that Senator Cormann made earlier, in that very helpful interjection.

So the best I can do, short of an amendment, is to get the undertakings from the Assistant Treasurer in relation to this. So I will not be proceeding with my amendment as a result of the undertakings given by the Assistant Treasurer, for which I am grateful. The Assistant Treasurer has stated that this issue—the disclosure of information—will be on the agenda for a meeting between the ATO, ASIC and APRA as part of a series of meetings, and that this matter needs to be resolved. The Assistant Treasurer has also indicated the government's broad support for a Senate Economics Legislation Committee inquiry into further support for subcontractors in this area.

Once we are back after the election—my hot tip is that it will be on 21 September, but as you know I do not gamble so I will not be taking any bets—it is important that the Senate economics committee look at this issue so that we can deal with it comprehensively. I am grateful for the undertaking by the Assistant Treasurer, which has now been tabled, so I will not be proceeding with my amendments.

But I say again: for goodness sake, let's never, ever do this again. Let's never, ever see a situation where 55 bills have been rammed through and where decent scrutiny
has been completely abrogated. It has made a travesty of the parliamentary process. This is appalling. Every Australian should be concerned about this. If I am ever in a position where my vote would count on this—if I am re-elected in a few weeks time; if the people of South Australia entrust me with being in the Senate again—I tell both sides and my friends on the crossbenches that I will never be party to something like this ever again. What we have seen this week is completely and utterly disgusting.

Senator FAWCETT (South Australia) (11:53): I, too, rise to speak to these tax bills. As Senator Xenophon has very clearly articulated, the people of Australia should be deeply concerned by the process, the substance and the promise of what these bills mean for Australia. Senator Xenophon and my colleagues have highlighted the process. We have seen, this week, 55 bills rammed through by the Greens-Labor alliance. In the whole three years when the Howard government controlled the Senate there were 32. In the time that the Greens-Labor alliance has controlled this place there have been well over 200.

For those who are listening to this broadcast, the consequence of this process being applied is that due diligence is not performed.

The committee stage, which is the stage where—unlike in second reading debates both in the House and here—senators can go through legislation line by line and question the minister time and again to expose unintended consequences, is absent. So this house of review, which is meant to ensure states' rights and to make sure that legislation has due diligence applied, has been cut out of the process by this government in its dying days. The substance of the bills is broad, and it should be deeply concerning to people that there is no due diligence being applied.

Looking at schedule 1 of the Tax Laws Amendment (2013 Measures No. 2) Bill, which appears to be a minor issue in terms of the monthly PAYG instalments, that was not introduced for any good policy reason. That was not introduced to try and support small business or make things more effective. That was introduced because the government hoped to claw back money over the forward estimates in their failed attempt to deliver a budget surplus. So pure politics drove that. Pure politics has made life harder for small business. Small business is what generates jobs in this country.

We have seen that approach by the government—driven by short-term, poll-driven politics—not only result in them changing prime ministers twice but impact on small business, jobs and things like defence. We have seen exactly the same approach in the Department of Defence at estimates. The department have admitted on the public record that the government's drive for a budget surplus has caused them to make decisions that are not in the national interest.

This is not a government that can be trusted for Australia's future, either for our children in terms of jobs, for the economy, for national security or even for things like the incentives—things that theoretically should be good. Here one of the schedules is 'Incentives for designated infrastructure projects' to try and encourage private investment. In principle that sounds like a good thing, but the coalition has concerns about the extent of the discretion that is being given to the coordinator of infrastructure. We only have to look at the 'Bob Brown memorial trust' that was set up by this government—where they make arbitrary, ideological decisions as to where taxpayers' money will be allocated as opposed to scientifically based decisions.
with a good business case—for us to say, 'We have concerns.'

But the process that has been adopted by this Labor-Green alliance has cut out the opportunity for us to take the government to task on this line by line and to move amendments, as Senator Xenophon has highlighted. The fact that they are putting this through on the very last day of the sitting of this parliament, when the House of Representatives have already risen and gone, means that, even if we were given the opportunity to do due diligence and have a committee stage, there would be no point because no amendments would get up. So the Australian public will have to wear more wasted taxpayers’ money, more bureaucracy and more things that will threaten equity and fairness in this nation.

We are coming into a period where the Australian people need to make a choice. There are lots of other measures here I could talk about in the bills, but in the one minute and 50 seconds I have remaining to talk about this it is important to talk about the impact of taxation. Taxation is about the government saying, 'We need a revenue base and we need to have spending for the public,' and we all understand that. But the thing that the public must choose when they choose a future government is who will spend that money wisely. They only have to look back over the last two groups of governments to understand the choice they have.

Going back to the Howard government, in 2007-08 there was a $19.8 billion surplus. In this year's budget there is an $18 billion deficit. Under the Howard government, in 2007-08 there was $44.8 billion in the bank. That is savings. That is what we teach our children to try to do. Under this government, there is $178 billion in debt, and they are on their way to $340 billion of national debt. Under the Howard government the banks and others were paying us interest—$1 billion a year in earnings. Under this government, there is $7.8 billion in interest payments alone. Imagine what that could do for building infrastructure, for giving incentives for jobs, for building a future for our children. When the people of Australia decide on the next government, remember these figures because they are the true indication of who you can trust with Australia’s economy; who you can trust to set fair, equitable and effective tax rules; but, most importantly, who you can trust to be the adults who will spend your hard-earned taxpayer dollars wisely and effectively. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Crossin): Order! The time allotted for the remaining stages of the bill has expired. The question is that these bills be now read a second time.

Question agreed to.

Bills read a second time.

The PRESIDENT: The question in respect to the Tax Laws Amendment (2013 Measures No. 1) Bill 2013 is that schedule 3 stand as printed.

Opposition's circulated amendment—

(2) Schedule 3, page 11 (lines 1 to 10), TO BE OPPOSED.

The Senate divided. [12:05]

(The President—Senator Hogg)

Ayes ......................36
Noes ......................27
Majority .................9

AYES

Bilyk, CL Brown, CL (teller) Carr, KJ Crossin, P Feeney, D Gallacher, AM Hogg, JJ Laidlaw, S

Bishop, TM Cameron, DN Conroy, SM Di Natale, R Furner, ML Hanson-Young, SC Lines, S Lundy, KA
The Senate divided. [12:10]

The President—Senator Hogg

Ayes .................... 36
Noes ..................... 27
Majority ............... 9

AYES

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

NOES

Back, CJ .................... Bernardi, C
Birmingham, SJ .......... Bushby, DC
Cash, MC ................... Colbeck, R
Cormann, M ............... Edwards, S
Eggleston, A ............. Fawcett, DJ
Fifield, MP ............... Heffernan, W
Humphries, G .......... Johnston, D
Kroger, H (teller) ....... Macdonald, ID
Mason, B .................. McKenzie, B
Nash, F ................... Parry, S
Payne, MA ................ Ronaldson, M
Ruston, A ................ Ryan, SM
Scullion, NG .......... Sinodinos, A
Smith, D ..................
(1) Clause 2, page 2 (table item 10), omit "5", substitute "6".

Question negatived.

Bills agreed to.

Bills reported without amendments; report adopted.

**Third Reading**

The PRESIDENT (12:14): The question now is that the remaining stages of the bills be agreed to and that the bills be now passed.

Question agreed to.

Bills read a third time.

**Higher Education Support Amendment (Asian Century) Bill 2013**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

Senator MASON (Queensland) (12:15):

I rise to make a quiet and subdued contribution to the debate on the Higher Education—

**Government senators:** No! No!

**Senator MASON:** Yes, I do, everybody!

**An honourable senator:** We want the real Brett!

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! Senators who are not participating in the debate will resume their seats quietly or leave the chamber.

**Senator MASON:** Thank you for your protection, sir!

The objective of the Higher Education Support Amendment (Asian Century) Bill 2013 is to expand the eligibility criteria for the OS-HELP Loan Scheme and to provide further incentives for students to pursue a course of study in Asia from 1 January 2014. In introducing the bill, the government has purported to implement the recommendations of the Asian century white paper, which was released, of course, in October 2012, to encourage closer ties between Australia and our Asia-Pacific neighbours—specifically, by providing incentives for Australian university students to complete part of their degrees overseas, particularly in our Asian region. According to the white paper this will enable more Australians to study overseas—it is a 'high priority', because Australians abroad are important conduits for building capabilities and exchanging ideas. Indeed, by pursuing overseas study our university students will continue to build the skills overseas that they will need to succeed in an increasingly competitive, knowledge-driven global economy.

I am often reminded that when I was an undergraduate student—more than 30 years ago now—my competition for work really was those who lived in the same city as I did, and perhaps in the next city. That is where the competition for work would come from. But for today's young people—those undergraduates in our universities today—increasingly their competition comes from Berlin, Washington, London and Paris, and now of course from Beijing and Madras and cities in other developing countries. So the world has changed enormously in the last 30 years. That capacity to understand Asia—Asia literacy—is very important not only for the capacity of our students but also for our nation as a whole.

The expansion of OS-HELP eligibility criteria was recently endorsed in the International Education Advisory Council's report that is known as the Chaney report, as part of the promotion of student mobility in the Asia-Pacific. Additionally, in his address to the Asia Society in March of this year, James Packer made the following important observations:
The best way to build our relationship with China and for that matter Asia is through exchanges of people at every level.

… … …

… exchanges build trust, understanding and long term friendships; they also help to break down ignorance and stereotypes that exist between our people.

… … …

There are few better ways to forge Australia into China and the Asian Century than through student exchanges.

As a country we need to dramatically increase the number of Chinese and Asian students studying in Australian universities, the economic benefits are immense and so are the person to person contacts.

Indeed, while there are significant economic benefits to increased student mobility in the Asia-Pacific region—particularly when one considers that in the last financial year Australia’s international education industry was worth almost $15 billion—our students cannot be viewed as just commodities or just statistics.

In that regard, the tertiary sector is now pushing for the continuation of the third wave of international education, whereby countries are being encouraged to build a broader, more meaningful and longer-term conception of international education. This eventually may lead to greater integration of universities in our region, the growth of offshore campuses and ultimately the cross-accreditation of courses throughout Asia. The promotion of greater student mobility through the expansion of OS-HELP under the bill, aside from any increase in the value of our international education industry, is likely to, among other things, promote closer trade, diplomatic and cultural ties in our region; build a diverse and expansive network of people-to-people connections; and lead to the development of stronger, more collaborative international research and science linkages that will foster improved productivity and innovation here in Australia. These are important outcomes to the future of our country.

The bill was referred to the House of Representatives Standing Committee on Education and Employment for inquiry. The committee reported in May this year and recommended the passage of this bill. The committee’s report noted that the bill received strong support from stakeholders; none of the stakeholders objected to the measures. It also noted the view of some stakeholders, principally private education providers, that access to OS-HELP should be further extended to include students who are not in Commonwealth supported places—in other words, students attending private universities or other higher education establishments and fee-paying postgraduate students. The committee noted the submissions from Bond University and the Council of Private Higher Education and was of the view that consideration be given to extending the eligibility for OS-HELP assistance to non-Commonwealth-supported-place students.

However, the committee did not look at the budgetary implications of such a measure or the technicalities involved in the change of policy. The Department of Industry, Innovation, Climate Change, Science, Research and Tertiary Education strongly reiterated the view that the primary purpose of OS-HELP is the support of students in Commonwealth supported places, not all students, and that OS-HELP should not be considered separately from the overall HECS-HELP student loan scheme, its policy intent and, indeed, its operation. At this point, however, the coalition believes that it is better to adopt a wait-and-see approach to OS-HELP—that is, to monitor the impact of the changes made by the bill, including any increased demand for overseas study
opportunities, as a result of the exchanges and the associated costing implications, and to examine the further extension of OS-HELP to private students in the future, based on a considered assessment of the relevant policy issues. This approach was endorsed in the Chaney report that I referred to earlier. If the coalition is fortunate enough to form a government, it is already committed to revisiting the issue of student support and assistance through a thorough review of student payments and loans to ensure a fair, equitable and open system that is free of anomalies—for currently there are anomalies. Another look at OS-HELP could well form part of that review.

Encouraging the outward mobility of Australian university students, particularly to Asian countries, has been a key feature of the coalition's higher education policy since the last election. It is an important priority of a shadow minister for foreign affairs—Ms Julie Bishop. I must say, at a personal level, I believe one of the greatest experiences a young person can ever have is to study overseas. I was fortunate; I did, and it changed my life—indeed, it was probably the most enjoyable 18 months of my life. I worked occasionally but had a very good time and learnt a lot, not so much from the course I studied as from the peers I had. For any young Australian who is considering studying in Asia—or indeed anywhere overseas—I commend the experience. They may well see it, looking back 25 years later, as one of the greatest experiences of their life. So I commend that to any young Australian now listening.

In March this year the coalition held a policy development round table in conjunction with the Menzies Research Centre to develop further details of its New Colombo Plan initiative. This initiative is designed to provide government grants to students so they can access study and internship opportunities in the Asia-Pacific. As Ms Julie Bishop has said, it is anticipated that the New Colombo Plan will enable students to develop strong alumni networks with universities and industries in our region which they will be able to use in their ongoing careers; provide students with the skills and the diversity of experience and the cultural understanding they need to succeed in this the Asian century; and help our universities to strengthen their international research partnerships and better develop linkages with industries.

The expansion of OS-HELP eligibility criteria aligns with the coalition's proposed New Colombo Plan policy agenda, and it does that by providing loan assistance to supplement planned government grants under the New Colombo Plan. The coalition announced the New Colombo Plan initiative well before the government's own somewhat ad hoc AsiaBound Grants Program that commenced operation in April of this year. To date stakeholders have raised a number of concerns about the AsiaBound program, including the exclusion from the program of university consortia and other private mobility firms that could make use of their extensive overseas contacts to arrange the very student study and internship opportunities that the AsiaBound program is intended to promote. Significantly, the coalition, unlike the government, recognises the broader implications, and indeed the opportunities, that an Asia-focused grant scheme will have by opening the door for a mutual quality based accreditation scheme in the future that may ultimately—I concede ultimately, certainly not for a little while yet—serve as an Asia-Pacific replication of the successful European Bologna Process.

This bill is significant legislation. It is a crucial component of Australia's future global integrated higher education framework, as well as Australia's broader
social, trade and diplomatic relations with our Asia-Pacific neighbours. In light of the bill's strong synergies with the coalition's existing higher education and foreign affairs policy agenda, which is focused increasingly on encouraging growth and opportunity in the Asia-Pacific and fostering closer ties in our region, the coalition of course does not oppose it. But it is a great pity that there was not more time to discuss this bill. The government is quite right: we have to look at our engagement with Asia, and it is a very important debate—one that will shape the destiny of our country over the next few years in this the Asian century.

In my 14 years here in the Senate I have never seen the guillotine adopted with such rapaciousness as it has been in the last couple of weeks. I am informed that this week alone there have been 55 bills rushed through—1½ times more than under the coalition in its time with a majority in the chamber. It is a ruthless and arrogant use of political power. Already during the 43rd parliament—it has been a destructive and perhaps not edifying parliament—the guillotine motion has been used to push 216 bills through the Senate. I was here in those heady days when the coalition briefly, for three years, had control of the Senate. How many bills did the coalition push through when it had control of the Senate? It pushed through 32 bills—less than one-sixth of the number of bills pushed through by the Labor-Greens alliance. Even when we did guillotine, the debate was always much longer—often the debate would be for a full half a day, and in some cases a day and a half. The government's action has not helped the role of the Senate—in fact, it has undermined it.

The difference between this place and the House of Representatives is stark. It is stark for this reason: this is not an executive rubber stamp. This chamber does not rubber stamp the executive. It never has and it never will, for two main reasons. Let me give you two great examples. Even when the coalition had a majority in the Senate, the committee system of this place, with chairmen from the coalition, on several occasions—because I was one of them—knocked back bills put forward by the House of Representatives, by the government. I am not suggesting we should do this all the time, but the point is that it is not unusual for coalition chairmen of Senate committees to knock back legislation from the House of Representatives put forward by their own executive. I did that in 2007 on privacy legislation, you may remember, Senator Sinodinos. I did it and, quite frankly, I have no regrets. Senator Payne, I remember, was Chair of the Senate Legal and Constitutional Affairs Committee at the time; she chaired that committee brilliantly for years. I have got to say I did not always agree with her chairmanship, but I always, always respected the fact that she was prepared to stand up to the executive—of her own party!

When was the last time we saw anyone from this side ever chairing a committee in this place and going against the executive of their own party, going against the Prime Minister? When have we seen that in the last six years—ever? It is a pathetic performance. They never cross the floor because they cannot. There is this Stalinist, statist mindset where they have not even got the independence of thought, independence of succour, to actually say to the executive: 'We don't support this bill.' We did it so many times when we had a Senate majority. Senator Sinodinos will recall it. He may not have been very happy about it, but we did it, and I am pleased we did it. Otherwise, the executive, which runs the House of Representatives, will seek to run the Senate, and they should not be allowed to do that, even if it is our executive. The point is a very
simple one. This chamber is different. It is not simply an extension of the House of Representatives and it is not a rubber stamp for the executive.

There is another point. We are constantly lectured by the other side about how uncaring we are, that we do not care, that somehow we lack ethical sustenance. I am getting very tired of the moral vanity of Labor and the Greens. You imagine the moral vanity oozing from the Left in Australian politics, and yet subjecting this parliament—subjecting this Senate—to, what, 216 bills in the life of the 43rd Parliament, and having the hide to preach to us about ethical and parliamentary behaviour. Could you imagine that? We never did this in the Howard government when we had a majority. We never behaved like this at all. Not only can this lot never ever, ever have a chairman of a committee that will stand up to the executive—what a pathetic crowd!—they cannot have a chairman of a Senate committee that will stand up to the executive down the road here in the House of Representatives. We did it time and time and time again when we were in government and when we had a Senate majority.

But it is worse than that. Not only do their Senate chairmen not have any guts, they have no courage. It is worse than that. This lot cannot cross the floor in any case. They never have been able to. There is this statist mindset where they have all got to vote as one. Then they come into this chamber and preach to us about fairness and about justice. It is absolutely pathetic and it is absolutely hypocritical.

Let me finish on this point. I would not mind a fair debate; I do not mind a fair debate on any issue, including this issue of the Asian century. But what I really object to is being lectured to by people who have no understanding of independence of mind—a party that has never had a committee chair oppose the executive and do the right thing and that has never had the guts to cross the floor.

Senator EGGLESTON (Western Australia) (12:34): I very strongly support the Higher Education Support Amendment (Asian Century) Bill 2013 because I believe in the value of education exchanges with Asia—in bringing foreign students to Australia and helping our students go to Asian universities. Such interchanges, it is said, foster better relationships between people and countries, and I believe that is very true.

My home capital city of Perth has long had educational links with the countries to our north—Indonesia, Malaysia, Singapore and Hong Kong—and with countries as far away as the Middle East. From the 1930s and into the fifties and sixties, a couple of ships, the Gorgon and the Charon, used to sail between Singapore and Fremantle twice a year bringing students to Perth from what is now Malaysia and taking them back at Christmas. That is why, among other reasons, Perth has such a close connection with South-East Asia. Since the 1930s, people have gone to school with Chinese and Malay students and have developed strong links which have continued after school as business and professional links.

In modern times, I have seen this from the other side. In 2003, as part of a delegation to Indonesia, I attended a meeting in Surabaya of the Australian alumni association, which included people who had come to Australia under the Colombo Plan in the 1950s all the way up to recent graduates from universities in Australia. The value of this kind of exchange was shown by the depth of knowledge they had about Australia and
Australian affairs. The impressions of Australia they had were good and this helps to build good relationships. I was told at that meeting in Surabaya that at that time there were four graduates of Australian universities in the Indonesian cabinet. That is a marvellous outcome from the perspective of building understanding and helping Australia to be accepted as part of the Asian region.

As Senator Mason alluded to, the coalition, in its policies for this election, does have a program of proposed student exchanges with various Asian universities. I think that will go a long way towards building very important bridges between students at our universities and young people in Asia. Over the time ahead, I believe that will pay marvellous dividends in international cooperation.

I have only had a short time to speak, but I know that Senator Back also wishes to make some remarks about this very important matter, so I will now conclude and hand over to him.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (12:38): I thank Senator Eggleston for allowing me the opportunity to conclude this debate on the Higher Education Support Amendment (Asian Century) Bill 2013. Again, what a shame it is that the debate is being truncated, but we have come to expect that in the last fortnight. I will focus for a few moments on the benefits to Australia—and, indeed, to the region—of a program such as this one. It is an excellent program, which I support, noting that it was copied from the coalition. I compliment our deputy leader, Ms Bishop, for her activity in this area.

There are tremendous benefits from this program, not the least of which are, as Senator Eggleston has mentioned, closer trade, diplomatic and cultural ties. But the other big benefit, which is often overlooked, is the enormous boost to tourism that occurs as a result of overseas students coming here. It is the catalyst for their family members, extended families and friends to come and visit Australia. Should those people be young, they themselves, in their turn, encourage others to come. I have employed many young Asians in businesses that I have run in Singapore, Malaysia and Thailand, and the fact that they have studied at Curtin University in Western Australia, the University of Western Australia or Edith Cowan University forges great links for the future between our state, our country and the countries in that region.

The DEPUTY PRESIDENT: The time allocated for consideration of the bill has now expired. The question is that the bill be now read a second time.

Question agreed to.

Bill read a second time.

The DEPUTY PRESIDENT: The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

Question agreed to.

Bill read a third time.

Social Security Amendment (Supporting More Australians into Work) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (12:40): I rise to speak on the Social Security Amendment (Supporting More Australians into Work) Bill 2013. This bill seeks to amend the Social Security Act 1991 to provide additional support to single
parents who are transitioning to work or undertaking study to improve their opportunities for employment. The bill also seeks to provide unemployed Australians with the opportunity to earn more before their income support payment is affected.

These amendments represent the government's response to ongoing criticism in relation to its decision to change the eligibility requirements for grandfathered recipients of the parenting payment, which affected the household budgets of 80,000 single parents by moving them onto the lower paying Newstart payment. Those grandfathered recipients under the former arrangements existed as a result of the coalition's reforms to social security in 2005-06. Under the coalition's changes, to qualify for the parenting payment a recipient's youngest child had to be under the age of eight, which was lowered from the previous age of 16. The previous coalition government introduced this reform in a fair and I think responsible manner. Under the coalition, recipients of the parenting payment were left in the system on the understanding that, over time, when their youngest child turned 16 they would naturally move out of the system. For people who had not had a child at that stage but who were coming into the system the changes were made that when their youngest child turned eight they would move from the parenting payment to Newstart. The coalition's approach provided notice and certainty to all parties.

That approach is in contrast to the changes made by the current government to the parenting payment, which, as I mentioned, affected the budgets of 80,000 single parents and saw uncertainty. It is always a problem when a government has mismanaged their budget and is desperate to look for savings. It prevents the government of the day from providing the usual period of notice to enable recipients to make adjustments over time. It is never good when a government is forced to act in order to seek desperately to balance a budget or to return a budget to surplus. That did not actually end up happening, but it is never good when a government is forced to act rather than plan carefully and thoughtfully.

What is before us is in effect the government's solution, or response, to the criticism that it has received. The bill has three measures. The first measure increases the income-free area that applies for recipients of Newstart allowance, widow allowance, partner allowance, parenting payment partnered and sickness allowance from 20 March 2014. The income-free area is the amount of ordinary income that an income-support recipient is able to earn in a fortnight before their payment rate is increased. The income-free area for these payments will increase from $62 to $100 per fortnight. The income-free area will also be indexed to the CPI from 1 July 2015, and this measure will give recipients the opportunity to earn more money before their payment rate is affected.

The second measure of this bill extends the eligibility for the pensioner education supplement to single principal carer parents receiving Newstart allowance payments. This extension will begin on 1 January 2014 and will be available to eligible single principal carer parents undertaking approved education and training courses. The pensioner education supplement is paid at the current full rate of $62.40 per fortnight or the current concessional rate of $31.20 per fortnight depending on a person's study load.

The third measure, commencing from 1 January next year, extends the eligibility for the pensioner concession card by 12 weeks to single parents who no longer qualify for the parenting payment single because their youngest child has turned eight years of age.
and they do not qualify for another income support payment due to earnings from employment.

Concession cards provide a range of concessions to holders for services at the Commonwealth, state and local government levels including medical services, transport, telephone, utilities and rates. Consistent with current arrangements, a person would remain qualified for the concession card until the extension period of 12 weeks expired, the person died, moved permanently overseas or they started to receive an income support payment for which a concession card is eligible.

These proposed measures, as I said, are intended to address some of the criticisms that the government has received in relation to the decisions that they have taken. We know that when a government does not follow good process and when a government does not take the time to plan, the public are not provided with the opportunity to adjust and plan themselves. What the public look for in a government is predictability and some certainty. The public, quite naturally, do not like a government that is forever chopping and changing policy, where the people do not know from one day to the next whether the arrangements which they currently assume will continue into the future will in fact continue. We have seen this in any number of areas, whether they be superannuation, social security policy, taxation in relation to the mining industry or taxation of carbon, for instance.

There is very little certainty under this government. That means that businesses have difficulty planning for the future; they will put hiring decisions on hold—and are putting hiring decisions on hold—and will put investment decisions on hold—and are, because they are waiting for what they hope will be the certainty provided after the next election.

The same is true for individual households, which have no sense of confidence that government policies which are in place will continue in the form that they are currently in. Households are worried about cost-of-living pressures and are putting spending decisions on hold because they want to conserve their resources for fear that this current government will unexpectedly change policy in some way that will affect their household budgets.

This legislation that is before us today is an attempt to address an example of that: single parent families who were operating on one set of assumptions and the government unexpectedly changed those assumptions. That is not the way to govern a nation, Mr Deputy President, and I think you know that one of the things that this side of the chamber will be offering at the next election is a 'no surprises' approach. If we are to be successful at the next election, we will offer the Australian public and business a 'no surprises' approach. We want there to be a degree of certainty. We want the public to have a sense of the arc in which a coalition government would operate. That allows businesses to plan for the future and it allows householders to plan for their futures without the zigzag and abrupt changes in policy which we have seen all too often under this government.

Against that background, I should indicate that the opposition will not be opposing this legislation. So often, this side of the chamber has found itself in a position where there are decisions that we might not have made had we been in government because we would have had a different starting point. We would have handled the nation's budget very differently over the last six years had we been in office. But we do find ourselves,
time and again, having to accept the facts as they are even though we wish they were otherwise and would have handled things differently and taken different decisions ourselves. So, with those remarks, I indicate that the opposition will not be opposing this legislation.

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:51): I rise to speak on the Social Security Amendment (Supporting More Australians into Work) Bill 2013. The Greens will be supporting this legislation. However, we are deeply disappointed that this legislation does not go further. The individual measures in this bill have been welcomed by the community and the Australian Greens. However, as I said, it remains a disappointing demonstration of the government's failure to fully grasp the real needs of people trying to survive on Newstart or Youth Allowance. They just fail to understand that people are struggling to survive on Newstart, and this government is the one that dumped the next lot of single parents onto Newstart. And, listening to the coalition just then, you would think they were the nice, gentle, loving, kind people who liked single parents! They started this—you started it in 2005 when you started talking about Welfare to Work, and 2006 was when those changes came in that dumped single parents onto Newstart. Those single parents are the very ones who are already having to go to emergency relief organisations because they are trying to survive on Newstart. Of course, it is not only the single parents; people talk about single parents, but you have to remember it is their families, hundreds of thousands of people, living in poverty. So do not come in here and pretend that you despise the government for moving the next lot of single parents onto Newstart; they are just continuing the job you started. Both the old parties voted to dump the next lot of single parents onto Newstart in January. They combined against the Greens to dump them onto it.

All these measures in the bills had their genesis in recommendations that have been generated by and result from inquiries that have been undertaken—for example, by the Education, Employment and Workplace Relations Legislation Committee. But these measures are too little in their response to those recommendations, and they are too little in their response to the challenges that are facing Australians who are struggling to survive on income support payments such as Newstart.

This legislation has been subject to a short inquiry and a short period of public consultation. In that time, over 500 individuals wrote to me about this legislation and the need for stronger action, and I will be seeking leave to table these letters that they wrote which I have previously circulated to the whips.

I would like to share just a few of the stories and accounts that are contained in those letters. Karen writes: 'I do not buy anything anymore. My son even had shoes that were a size too small and he refused to tell me as he knew I had no money to buy new shoes.' And Katrina wrote: 'On Parenting Payment I was able to get by as long as I was creatively frugal. Now all I can do is pay the rent and decide each week if we are going to eat or if I should make a part payment on my electricity bill. I do not have money for extras my son needs for school.' These are heart-wrenching accounts of the reality of life on Newstart. That is what this government joined with the coalition on and with the coalition's support has condemned hundreds and hundreds of single parents and their children to. These letters demonstrate to the Australian Greens that there is significant ongoing community support for the solutions proposed by us during the earlier inquiries.
and also support for the Australian Greens private senators’ bills. These bills both increase Newstart and provide extra supplement supports for single parents.

This bill, the government's bill, contains three distinct measures that are intended to improve income management, but the Australian Greens note that each of these measures will only benefit some of those struggling to keep a roof over their heads and pay the bills on an income support payment that is more than $130 below the poverty line. Two of these measures, the pensioner education supplement and the retention of the pensioner card for those who are moved off parenting payment single but are now ineligible for Newstart, are restricted to single principal carers only. The other measure will benefit those who are already earning a small amount through casual work. Full-time students, older Australians, those with a partial disability, those living with episodic mental illness, those who lack work experience and those who have multiple barriers to employment will all be left behind by this legislation.

The extension of eligibility for the pensioner education supplement and the pensioner concession card will offset some of the impacts of the Social Security Legislation Amendment (Fair Incentives to Work) legislation, which was examined by the Education, Employment and Workplace Relations Legislation Committee in August 2012, but we must note that they actually returned the education supplement to those who lost it under that regime. In other words, under that previous bill, the government took it away and now is kindly restoring it.

However, because of this inappropriate measure being put in place in the first place, and a failure by the government to understand what impact this legislation would have on single parents, this measure comes too late for many, many single parents: those who have had to drop their study because they were not able to access this and those who have had to drop their study because they were put onto Newstart and no longer could afford to make ends meet. It does not help those people and it does not come in until March next year. So much for the government caring for those parents that they know us struggling to make ends meet on Newstart. So much for their care for those parents they are encouraging to get more work and improve their skills and qualifications. What do the government care? They callously took away access to that supplement from those parents who are trying to improve their qualifications and get an education so they can better support their family and find work into the future.

While the Australian Greens consider that introducing these measures is still better, of course, than nothing, and better late than never, there is no doubt that the implementation of the Fair Incentives to Work legislation was devastating and is devastating to those who are affected. The impact of the $60-a-week drop in the base rate of income in the shift from parenting payment single to Newstart was compounded by the loss of the pensioner education supplement and also the pensioner concession cards for those who are dumped off income support altogether. The government claims this was to increase the number of people in work, but single parents have the highest rate of engagement with employment. In fact, we all know this was about the government saving a few dollars off the backs of single parents and their children.

The government has not been monitoring this impact, so it does not know what impact this appalling policy has had. We know, the Greens know, from the letters, the emails, the phone calls and text messages about this
policy that we receive. We know the terrible human toll this has taken. Unfortunately, the Australian Greens are aware of a number of individuals who were studying and have had to leave those studies because they cannot afford the course fees or because they need to take on extra work to support their families. This measure restores a measure, as I said, that was previously in place.

The rationale for improving the income-free area seems to rely on the assumption that most individuals have access to short-term work but refuse to take it up without better financial incentives. Does this government think that a whole $19 a week, or one extra hour of work a week, will do that?

They have rocks in their heads if they think that is the only thing stopping single parents and those on Newstart from being able to access work.

The Newstart inquiry into the adequacy of the payment demonstrated that those who are worst off under the current income management system are those who face multiple barriers to work and who need assistance to become work-ready. Budget estimates demonstrated that only 43 per cent of all clients were adequately helped into ongoing work for the year ending 12 September. This result dropped to an alarming 25 per cent for stream 4 jobseekers—the most disadvantaged clients. In other words, these job service support programs are not helping the most disadvantage and the people who face the most barriers to work. Why are we not fixing that?

The provision of effective services to help jobseekers across the workforce is critical because the ability to work an extra hour a week will benefit only those who are able to access paid work. Yet the higher income-free area has not been accompanied by concrete improvements to jobseeker services. We are having to rely on the review, and on changes maybe coming in in 2015. This bill will provide no direct assistance to the majority of income recipients who have not been able to find work.

The Social Security Amendment (Supporting More Australians into Work) Bill 2013 has been presented as a response to the recommendations of the adequacy inquiry, but this decision to adjust the income-free area implements only one of the recommendations of that report. The Australian Greens believe there is clear evidence, as set out in our additional comments to this inquiry, that focusing on other aspects of the problem without addressing the basic inadequacy of the payments will simply fail jobseekers. In other words, this measure will not address the root problem, which is the inadequacy of the payment.

Yet the government has chosen to tackle only one of the aspects of that report. It has ignored yet again the need to increase the base rate of these payments. Former OECD economist Peter Whiteford demonstrated to the adequacy inquiry that after paying rent a single person living on Newstart is likely to be left with less than $17 a day from which to cover all other expenses such as their utility, transport, personal care, clothes and, of course, food. We know from a number of recent inquiries that food is what people go without. People frequently go without meals because they cannot afford it, and parents go without meals so that they can feed their children.

With soaring rents in many capital cities and very low availability rates of affordable housing, the reality is that most people survive on even less than $17 per day, and simply cannot make ends meet. It is clear that many face hard choices, as is
demonstrated in these letters. They face these hard choices every single day and make significant personal sacrifices of skipping meals, of going without. One long-term jobseeker and work for the dole participant summed this up in his letter: ‘You get a break for lunch. I don't know why, because nobody eats. Nobody can afford to.’

The Australian Greens have already tabled in this place two private senator’s bills, which I referred to earlier, which would better deliver immediate and lasting relief for all those who are affected by these policies. These bills provide a comprehensive and immediate solution to the pressure that those surviving on Newstart, including single parents, are experiencing. The Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013 increases the basic rate of Newstart by $50 a week and introduces appropriate indexation that is linked to wages as well as to CPI.

The Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2013 would further improve the situation for single parents by returning their income and the income test to a rate that is comparable to the parenting payment single, thereby undoing the income impacts of the fair incentives to work legislation—in other words, the legislation that dumped them onto Newstart. The important point there is that it would return the income-free area to what it was on parenting payment single, not the measly $17 a week that is contained in this bill. That is because it does not address the fundamental problems that are facing those trying to survive on Newstart.

The government may try to hoodwink the community that this will address the situation; it simply does not. They have report after report and they have no excuse to think that this is going to address the situation. As I said, report after report—reports from emergency relief organisations—all clearly demonstrate that the base rate of Newstart is inadequate, that those single parents who have been dumped across the board from January this year and those who have been dumped since 2006 onto Newstart are living in poverty. That is a whole next generation of children living in poverty. They are going without enough to eat and without the basic requirements. They are being forced out of their accommodation.

The Salvation Army report that was released not long ago as part of their Red Shield appeal clearly demonstrated the increase in the number of people accessing emergency relief. That clearly indicates that people are not able to find accommodation; they are homeless, they are couch surfing. That is what we are condemning these single parents to—those single parents who are trying to bring up our next generation. All the research shows that those children who are growing up in poverty and disadvantage are going to suffer, and that potentially has implications for their whole lives. That is what this policy fosters and that is what this bill fails to address. It does not address the basic issue, which is the inadequacy of the payments. We know that children are going to school hungry. We know that parents are going hungry. Why are we condemning those parents and those children to poverty?

We know that by increasing their base rate of income that we will help overcome one of the many barriers to work. And also, as I articulated earlier, we know that single parents are the cohort of people on income support who in fact have the highest work participation rates. This puts the complete lie to the fact that the government says that this is about encouraging people into work. It is not. It is about the government trying to save a penny or two on the backs of single parents.
Even though the measures contained in this bill do not form an adequate response to the challenges that Newstart participants face, the Australian Greens will support the package of these measures because, as I said, something is better than nothing. However, the Australian Greens remain committed to continuing to work towards the most comprehensive solutions that will lift people out of poverty and into secure, appropriate work. This does not do it. I have been campaigning on this since the day the Howard government announced that it would bring in welfare to work. And I will not cease campaigning on this until we have an increase in Newstart, until we have reversed those appalling, despicable cuts to single parents and until we can assure those single parents and their children that they will not be condemned to living in poverty in one of the wealthiest nations in on this planet. We will campaign on this to ensure that we achieve better outcomes for our most vulnerable Australians. It is simply inexcusable that in this country we are forcing the most vulnerable and the most disadvantaged people into living in unending poverty.

As I said, we will support these measures but we will never stop campaigning for those most vulnerable Australians. With that in mind, I have circulated a second reading amendment on sheet 7430, and move:

"and the Senate calls on the Government:

(a) to increase Newstart by $50 a week; and

(b) to provide additional financial support to single parents to lift them and their children out of poverty."

As I said, the Greens will be supporting these measures because every little bit will help. But it is not nearly enough, and our support does not indicate that we are complacent about the fact that we need to keep striving to ensure that our fellow Australians are able to live in dignity, able to have a satisfactory quality of life and not to condemn generations of children to live in poverty.

The ACTING DEPUTY PRESIDENT (Senator Stephens): Senator Siewert, before I call Senator Back, are you seeking leave to table those documents?

Senator SIEWERT: Yes, I am. As I said, I did show them to the whips on Tuesday night.

Leave granted.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (13:09): I certainly acknowledge the passion and the long-term interest of the previous speaker, Senator Siewert, and I join Senator Fifield in the comment that the coalition will not be opposing this legislation. Isn't it a shame that it has had to come into the chamber at all? What it does is try to undo some of the damage that Labor wreaked in what was a very, very callous attack on single parents in the latter part of last year. In so doing, Labor attacked vehemently the household budgets, as they are, of single parents. Senator Siewert has correctly and eloquently identified what those hardships have been as a result.

We are here, today, engaged in this activity, because of the overwhelming outcry that occurred throughout many, many sectors of the community, such as the not-for-profit sector, the charity sector and the business sector, along with those others who were directly affected by this action. The matter was not helped when Minister Macklin made her intemperate comments about people being able to live on Newstart from the day that these changes would come into effect. I know that Senator Siewert and others made the attempt to live on Newstart and reported their inability to do so. I have participated in several inquiries by the Standing Committees
on Education, Employment and Workplace Relations on this particular subject and it has, of course, been a harrowing experience to listen to the stories that are told. I have also had some association over time with bodies such as St Vincent de Paul and have visited and seen on the ground the damage that is wreaked upon these people.

Now we have a circumstance whereby some 80,000 of Australia’s most vulnerable families, generally single parent families, have been rushed into the position where they are to be moved off the parenting payment onto Newstart. Last year, when this measure was being proposed for a start date of 1 January 2013, I recall the impassioned pleas to the government to at least have some heart and delay or defer the commencement until March. Why?—for a number of reasons. Firstly, all families have increased costs leading up to Christmas. Secondly, straight after Christmas casual employment usually ceases or drops off and it is much more difficult for single parents, particularly single mothers, to find employment. Thirdly, the costs associated with the return to school is difficult. As usual, of course, this government was not in the least bit interested in that.

Senator Fifield correctly put his finger on it and noted that now the piggy bank is empty. This government has spent all of the funds that were available to it after the prudence of the previous Howard-Costello government. The $40 billion that was in the bank went very, very quickly. Perhaps one of the most disappointing and telling factors of this proposed legislation, which we are not opposing and which Senator Siewert has concurred the Greens will not be opposing, is the financial impact. The financial impact over the five years, the so-called out years, of taking people off the parenting payment and moving them to Newstart, and the difficulties associated with this, leads to an expense of $300 million. That $300 million sounds like an enormous amount of money, but do you know how much $300 million accounts for in actual interest on the debt we have in this country? It is 10 days. The $300 million over five years accounts for a mere 10 days interest on the billions of dollars of debt that this Labor government has run up.

People can put it into their household accounts and relate the $300 billion perhaps to $300,000 of debt, or they can see what the impact would be on their business. But it is when you end up spending the surplus you have, when you end up wasting vast amounts of what, at the end of the day, are taxpayer dollars, that the chickens come home to roost, and the chickens are now well and truly back in the roost. The money saved from this situation—the situation correctly outlined by the previous speakers—and the impact it is having on those single parents equates to a mere 10 days interest—not the repayment of the principal, just the interest on the debt. As Senator Sinodinos said to me as he left the chamber when I drew his attention to the fact: 'Don't forget, Senator Back, that globally interest rates are now going up, so the 10 days of interest will probably be about eight days of interest.' Therein lies the tragedy.

In our committee hearings—and Senator Siewert was a member—we saw what has now become the first measure in this bill. The measure originally was that a recipient of the Newstart allowance, widow allowance, partner allowance, parenting payment and sickness allowance could earn $62 a fortnight before that had any impact on payments to which they were eligible. We all know that the minimum wage for an adult is now $16 an hour and in most circumstances you have to employ someone for at least three hours. Three 16s are 48, double that is 96—so anybody who was only getting $62 per fortnight was either working for less than
they were entitled to or they were doing fewer hours. This is acknowledged, and it was the work of the committee that pushed towards elevating that $62 to $100 per fortnight.

The second measure relates to eligibility for the pensioner education supplement for a single principal carer parent receiving Newstart. That is no doubt a benefit, but I hasten to the obvious fact that it does not help any single parent who is not studying. The third measure provides a 12-week extension of eligibility for the pensioner concession card to single parents who no longer qualify for the single parenting payment. I cannot help but reflect—and Madam Deputy President Stephens, I know you have a keen interest in the welfare of the wider community, as we all do—that we have to do this measure, and 10 days interest on the debt would have obviated or removed the need for that action to take place.

In the hearings that we had into these matters last year—the move from the single parenting payment back to Newstart, the adequacy of Newstart—to which we all contributed, there were several interesting points that came up. One of them was that one-third of this nation's expenditure budget, 33 per cent of the overall budget, is expended on social security and welfare. Senator Siewert is quite right: we are a wealthy country and we have a very small population on a very large landmass. Although it is not relevant to this discussion, I would always plead that we got there because of cheap energy, and one of the direct and indirect effects of the six years of this government has been to remove cheap energy and at the same time attack individual wealth. Nevertheless, I go back to that statistic: 33 per cent of our expenditure budget is on social security and welfare and, for your interest, 16 per cent is on health, eight per cent is on education. I asked several witnesses as they said they needed more: do you want to see a reduction in commitment to health? Of course, everyone does not. Do you want to see a reduction in commitment to education? No-one does. The obvious answer is to have a look at that 33 per cent, to have a look at the expenditure within social security and welfare, accounting for one dollar in three of this nation's expenditure, and start to target it at the higher priority areas. I would defy anyone to be able to mount an argument to any of us in this chamber that the people about whom we are speaking would not be right up at the top of that priority order.

Should the people of Australia honour the coalition with government later this year, whenever that is, I would ask all sides of politics to have a good, long, hard look at where those priority orders are. I want to give you an example if I may. Only three weeks ago the member for Murray and I visited a meatworks in the Goulburn Valley of Victoria, the highest youth unemployment area in Victoria, according to Dr Stone. That particular abattoir was seeking to employ 50 unskilled workers. They wanted no skills, because they would train them on the job for long-term, secure employment. But nevertheless, as senators would understand, the nature of employment in abattoirs requires a high degree of occupational health and safety. So it was critical, according to the manager of the meatworks, that each person being considered for employment would have to satisfy a no-drugs policy. Of the first 30 single, unemployed young people who came forward, 26 said 'We can't meet your drugs policy,' so they went back to being on Newstart. I find that to be unacceptable.

I do not think the Australian taxpayer, a generous taxpayer, would willingly see a third of the nation's expenditure budget going on a person or people who, for their
own decision making, for their own recreational satisfaction, choose not to work in a job in which they would be trained and there would be secure employment in a region of one of our states, and not have to work because they do not want to be involved in a process in which they are drug free. As I sat in the general manager's office, I could not help but think of the sort of people who came before us in our inquiries on the matter to do with the movement of people from the paid parental program down to Newstart. I thought to myself: what has gone wrong in this country when fit, able, single young people do not have to work? You would say, 'Well, if a country is so wealthy that you can accommodate these things, everybody is okay.' Well, they are not okay. As Senator Fifield and Senator Siewert have said—and as Senator Siewert has tabled—it is not okay.

What is okay is that those who need it most—those single parents who are struggling and making decisions between putting shoes on their children's feet or feeding their children or themselves or paying their electricity and other utility bills—should be at the top of the priority order. We saw the circumstance during 'Rudd 1' as opposed to 'Rudd 2' when he as Prime Minister ran around the countryside in December 2009 throwing out $900 cheques for the specific purpose of avoiding Australia being in a recession. You will recall he ran around in March 2010 doing the same thing with $1,200 cheques at a time when we should have been putting in place expenditures and allocations that would have ensured we would have maintained into the future the living standards and lifestyles to which we are accustomed.

I reflect on other committees we sat on and, when we asked people what they did with the $900 cheques, they fell broadly into four categories. Some people saved the money, so therefore it did not help with the economic stimulus. When I sat on the Joint Select Committee on Gambling Reform—Mr Wilkie's committee—and went to Tasmania, I sat there and listened to witnesses. This was in the gambling reform hearings associated with poker machines. This fellow said to me, 'If you want to know where all our money went, Senator, you just have to go to the casinos, the pubs and the clubs, because whatever $900 cheques we got go straight into the pokies.' That was the second of the two. The third was Chinese television sets, as Harvey Norman and others all told us.

The fourth is this: Senator Birmingham—through you, Madam Acting Deputy President—if you want to go back and review the Friday night those payments were made and the Friday night when the $1,200 cheques were paid in March 2010, you will see an incredible spike in attendances at the accident and emergency centres of the major hospitals around Australia—an unexpected spike the first time around. They were totally and utterly caught unawares, as I was told by a nursing sister who attended the Royal Perth Hospital. They had to bring staff in urgently.

Those are the four categories of spending those payments went to—the $900 cheques. When you have a look now at the fact that we have gone from a $40 billion surplus to a $300 billion debt and at the fact that we are paying $1,000 million a month interest on that debt at the moment, it causes one to weep when you see that the saving over five years from this measure—and Senator Siewert has quite correctly identified the harshness of this measure—equates to 10 days of interest on the debt as a result of the waste of this government, which commenced under now Prime Minister Rudd.

We do need to see a realignment. I return to the electorate of Murray, to again tell a story. I am by no means demeaning those
who have come into this country, but I simply use this as an illustration of where we have got it wrong. There was a very proud African community in that particular electorate. They were all large families getting jobs and keeping jobs—everything was fine. The member for Murray became aware that a lot of these people, in fact, were stopping working. So she inquired as to why they might have stopped working. It was because another group had come into that community and were making no attempt to actually get employment and, with large families, they were enjoying significant income from the government. We have to have a scenario in place in this country again where we encourage employment, particularly when you look at agriculture throughout Australia, where we now have to rely on backpackers not just to attend to fruit picking but to work on farms—harvesting crops et cetera. You say to yourself, 'How is it in this country that people who are able to work, where there are jobs available for them, do not take those jobs?'

I conclude my remarks, if I may, on the circumstance now confronting us with refugees, who themselves are not allowed to work. The policy of this coalition is, firstly, to have a circumstance in which those people remain safely in their own countries but, secondly, if they are here, to process them quickly and, thirdly, to allow them to do some work. This is the community of people who, as yet, have not been processed and are not allowed to work. It was on 14 August last year that the government brought in its so-called no-advantage test over those people who are in refugee camps—rotting, as many of them have been, sometimes for up to two generations. The solution was to bring in the no-advantage test. Senator Cash, the shadow parliamentary secretary in this area, tells me that there are now some 19,000 people who have not yet had the opportunity to lodge a claim to be processed. So therefore they cannot work.

In the concluding comments, if I may, I agree with and support Senator Fifield. We will not oppose this legislation. Should we be honoured with government, I appeal to all sides of the chamber to work towards a scenario in which that social security and welfare budget is allocated where the priority is highest. I have no doubt it is the community of people about whom we are speaking at the moment.

Senator BIRMINGHAM (South Australia) (13:29): This is little more than another patch-up job of the Labor government and, as such—

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! The time allotted for consideration of this bill has expired. The question is that the second reading amendment, moved by Senator Siewert, be agreed to.

The Senate divided. [13:34]

(Acting Deputy President—Senator Bernardi)

Ayes ...................... 9
Noes ...................... 39
Majority................. 30

AYES

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

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

NOES

Abetz, E
Bernardi, C
Bishop, TM
Bushby, DC
Cash, MC
Crossin, P
Faulkner, J
Feeney, D
Furner, ML

Back, CJ (teller)
Bilyk, CL
Brown, CL
Cameron, DN
Colbeck, R
Edwards, S
Fawcett, DJ
Fifield, MP
Gallacher, AM
Question negatived.
Original question agreed to.
Bill read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT: The question now is that the remaining stages of this bill be agreed to and this bill be now passed.

Question agreed to.
Bill read a third time.

Appropriation (Parliamentary Departments) Bill (No. 1) 2013-2014
Appropriation Bill (No. 1) 2013-2014
Appropriation Bill (No. 2) 2013-2014

Second Reading

Debate resumed on the motion: That these bills be now read a second time.

Senator MASON (Queensland) (13:37): As we come to the fag end of the 43rd Parliament, it is a good time to assess the government's failures. Many of my colleagues have mentioned some of the failures. None of us are sure whether it is Mr Rudd or Ms Gillard—the Rudd or Gillard government—but it does not make a lot of difference: same policies, same failures; same horse, different jockey.

Over the last few weeks my colleagues have spoken a lot about the mining tax—a tax that very strangely raises no money. Imagine the Labor Party doing that. They actually have a tax that raises no money, the mining tax—one of the gross policy failures. Another great policy failure is the world's largest carbon tax, which will have no impact on the climate. What an appalling policy failure—another one.

Another appalling policy failure has been the asylum seekers—the boat people. We had a policy under the coalition government, under John Howard, that worked. Mr Rudd, the new Prime Minister—Rudd redux—is back—

An honourable senator: Restoration!

Senator MASON: Restoration Rudd—he is back.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! Senator Mason, you know you should refer to members in the other place by their appropriate title.

Senator MASON: I apologise. When Mr Rudd was Prime Minister he thought it would be a good idea to soften John Howard's successful boats policy. Why did he do it? Because he thought we were heartless, that we had no ethics. It is this pathetic moral vanity that has undermined Australia's borders. It was the greatest policy failure of the Rudd and Gillard governments, an appalling policy failure, to expose our borders.

But I want to speak about something you cannot always see, that Labor and the Greens want to forget, that is sometimes a little bit harder to touch. My colleagues today have spoken a lot about the fiscal failure of the Labor government. They have spoken about the enormous debt—$178 billion—and the enormous fiscal failure. They have mentioned that the interest on the debt alone would pay for the National Disability Insurance Scheme. We have heard about the great cash-splash, in which people bought...
flat screen colour televisions. We have heard so much about the overpriced school halls over the years and also the pink batts fiasco. We have done that to death. My colleagues have done a superb job of holding the government to account on the fiscal failure of public debt.

But I want to speak about the moral failure of the government and public debt. We on this side have always known that social democracy is a bit of a con. Essentially, social democracy is a pyramid scheme not only sanctioned by the state but eulogised by it. Social democracy is premised on the assumption that the number of taxpayers and national productivity will continue to grow at a sufficient rate to support growing social welfare. Social democracy is premised on the notion that the number of taxpayers and national productivity will continue to grow at a sufficient rate to support the growing impost on the Treasury of growing social welfare. The government’s underlying economic assumptions are based on that.

But social democracy will break down if the number of taxpayers or the productive output of a nation are insufficient to meet the obligations made by government or where the obligations keep increasing because of, for example, increased life expectancy, something states cannot always predict. What has been happening in the West, in the developed world, for at least the past 20 years is that both of these scenarios are happening: there are not enough taxpayers left in the developed world and we are not sufficiently productive to meet our ever-expanding welfare demands. The economy is not sufficiently productive and there are not sufficient taxpayers to meet the increasing imposts on the government of social welfare and recurrent expenditure. And this lot, the government, has to believe that, because that is what they premise their entire political beliefs on.

So what has the developed world been doing to meet these growing welfare demands? They can meet them by borrowing money to pay for them. They can borrow money to pay a welfare bill. You borrow it on the credit card to pay for a welfare bill and to pay for current expenditure. If you do that, you go into debt and you also shift the obligation from the generation that receives the benefits to those who will not. Let me explain what I mean. You are asking, in effect, future generations—your children and your grandchildren—to pay the public debt that our generation is now racking up. Let me just quote from Professor Niall Ferguson, whose *The Great Degeneration: How Institutions Decay and Economies Die* is based on the BBC Radio 4 Reith lectures for 2012. He says:

The heart of the matter is the way public debt allows the current generation of voters—

that is us—

to live at the expense of those as yet too young to vote or as yet unborn.

We spend their money, we spend their inheritance. He goes on to say:

These mind-boggling numbers represent nothing less than a vast claim by the generation currently retired or about to retire on their children and their grandchildren, who are obliged by current law to find the money in the future …

They have to find the money in the future by submitting either to substantial increases in taxation or to drastic cuts in other forms of public expenditure—that is, in welfare.

What we rack up on the credit card, your children and your grandchildren will have to repay. We are living at their expense throughout the developed world. This is not just a fiscal failure, it is a moral failure. Ferguson goes on to cite the great conservative Edmund Burke. Acting Deputy
President Bernardi, I know you are a great devotee of Edmund Burke. Ferguson says:

In enormous intergenerational transfers implied by current fiscal policies, we see a shocking and perhaps unparalleled breach of … partnership.

He says that society is more than just us, the voters. Society includes those who cannot yet vote and those yet unborn. Edmund Burke recognised that all those years ago in the 18th century. Burke recognised that we govern not just for ourselves and not just for our current generation but also for our kids, our grandchildren and those yet unborn. This is not just a fiscal test. It is a moral test.

It is very easy for us to rack up debt. This lot has done it better than anyone else in the history of this country. The Labor and Green alliance has had the five largest budget deficits in Australian history. It is not just a fiscal failure; it is a moral failure. We have to understand that any government governs not just for today but for the future and the future of our children and our grandchildren and those yet unborn. That connection between the generations is the heartbeat of our country. We are responsible not just for the next rent seeker wanting more welfare and not just for another industry asking for protection. Every time we decide to spend more money, we have to decide whether that debt is worth putting on the loan book of our kids and our grandkids.

I just wish western Europe and the United States had thought about that. I know even in my area of universities and research I would love to be able to spend more money. In a way universities and research create much of the productivity and innovation for our country.

But every time a government makes a decision about expending more money it must ask this question: does this assist our kids and our grandkids? We cannot allow ourselves to wallow in the financial profligacy that has totally undermined the capacity of Western Europe and the United States. I hear the argument from the other side of the chamber, from the Labor Party and the Greens, that 'it doesn't matter, you've got to spend a bit to get a bit'. That is exactly the argument that has been used throughout Western Europe and the United States since World War 2.

The second that taxpayers cannot raise sufficient tax and productivity starts to fall, guess what happens? Debt starts to rise. Despite the fact that this government has raised debts that have never been seen before in this country, there is no argument that it was all done for our kids or our grandkids—no argument at all. Does anyone actually believe that this government would ever return our budget to surplus? Does anyone believe that? Even more so, does anyone actually believe that the Australian Labor Party and their Greens allies would ever start paying back public debt? They do not even believe it themselves. They would never pay back public debt because they think it is not a bad idea.

The difference between Australia and the rest of the developed world is not the Labor Party, it is the coalition. If the coalition had not won two out of every three federal elections since the end of the Second World War, I can say with absolute certainty: this country would be in systemic debt, just like every other social democratic country on earth. We would have a debt level not of eight or nine per cent but of 30 or 40 or 50 or 60 per cent of GDP, without any doubt. The fact that our country overall has a low public debt is no thanks to them. It is because of the fact that the coalition has won two out of every three elections since World War 2. We are the only reason that Australia is not like the rest of the world with very high public debt. If you do not believe me, just look at the history, ladies and gentlemen. Since
1901, when our nation came into being, every time Labor has left office it has left us further in debt. There is not one exception since the first Labor government, of John Christian Watson, in 1904. I hear the other side going: 'Well, you know, sometimes you've got to fight a world war, Brett, so you go into debt.' Sure, if you have to fight a world war you go into debt. But what never changes, whether Labor governs in good times or bad times, during peace or war, is that always there is more and more public debt. As I said, there has never been an exception in 110 years since the first Labor government.

That is their greatest disgrace. Sure, they failed miserably with asylum seeker policy. We all accept that. The moral vanity of Mr Rudd is absolutely appalling. And, sure, their carbon tax is absolutely pathetic. I can see some friends of mine here this afternoon who fought against the carbon tax. The only way we will ever cut emissions worldwide is through multilateral action if the G20 decides to do something. To act unilaterally like the Labor Party did is ridiculous. There is no way Australia acting by itself and having the world's largest carbon tax will have any impact on climate at all. Zip, as Mr Rudd would say. The asylum seeker policy, the carbon tax and, of course, the mining tax that raised no money are all appalling, shocking failures. But the greatest failure, the moral failure, is the public debt. That side, the Labor Party and the Greens, always talk about social justice, and everyone on this side is sick to death of hearing about how they believe in fairness, equity and justice and that the coalition does not give a damn about fairness, equity and justice. That is what they always argue. The greatest moral failure of the Labor Party and the Greens, I swear to you, Acting Deputy President Bernardi, will be the debt that this lot impose on your children and your grandchildren—and they will do it, because they have done it since Federation and they have never, ever changed their spots.

We have a new Treasurer, Mr Bowen, and Mr Rudd is again casting himself as an economic conservative. Remember, he was a social democrat; when he ran for office in 2007, you will recall, he became an economic conservative; and then he abandoned economic conservatism because of the global financial crisis and became a born-again Keynesian, a born-again social democrat. Then he realised one very important thing. He realised that his entire political belief system was wrong. He argued his economic belief that only social democracy—only Mr Rudd, really—could save capitalism, could save liberal democracy. And what have we learnt in the last six years of a Labor government about the world economy? We have learnt that the only people that can save social democracy, the only people that can pay for their spending, are liberal democrats—those who believe in entrepreneurial activity, entrepreneurship, business and capitalism. In the end, in the Western world, capitalism and entrepreneurial activity will have to save social democracy. That is the change. This lot, under Mr Rudd, argued that the only thing that would save the United States and Western Europe was social democracy. Now we know that is wrong. The only thing that will save social democracy is liberal democracy. He even got that wrong. Not only has Mr Rudd abandoned his economic theories yet again, for the third time—he has changed his economic clothing three times; worse than that is the shocking moral failure of Kevin Rudd and the Labor Party.

If I believed even for a second that this lot would start paying back public debt, would force my generation to live within its means, just like householders have to live within their means, I would give them some credit.
But I know they have absolutely no intention of living within their means. They will throw around largesse to try to win votes, they will promise the world and they will put our kids and grandchildren in debt. That is the great economic, social and moral failure of the Left not only in Australia but also in the Western world.

When it comes to the next election, our party is seeking to govern not just for our generation, for you ladies and gentlemen in the public gallery; we are seeking to govern for your kids, your grandkids and all children yet unborn.

Senator COLBECK (Tasmania) (13:58): In the very short time that I have to speak to this appropriation bill, where we are talking about the budget of this country—which we have 25 minutes to debate today—I would like to put on record the completely dismal record of this government in relation to the portfolio I have responsibility for in this place, that being Agriculture, Fisheries and Forestry.

This government has turned the Department of Agriculture, Fisheries and Forestry from a $3.8 billion agency to $1.7 billion agency. I do not think that there is any better way to describe how they have gutted agriculture in this country. If you have a look at it—

Senator Polley interjecting—

Senator COLBECK: Well, Senator Polley, you have a crack. But I tell you: your party is now like an AFL football team—through you, Acting Deputy President Bernardi—that has no back line. Its entire back line has been carted off on a stretcher, and the only problem for Senator Polley and the rest of Labor is that it is their captain that has been running around the back like a sniper and taking out the entire back line. They are now sitting on the stretcher in the dugout on the side. That is the situation the Labor Party find themselves in. It is the same crazy mob, with the same policies. The Prime Minister told us yesterday things were going to change, but he is the one that took out the back line of the Labor Party who are now sitting on the backbench because they cannot serve as part of the team. He is the one that took out these senior members of the Labor Party.

So, like an AFL side without a back line, that is where the Labor Party find themselves now. And that is the sort of thing that they have done to agencies within the government. What they have done to agriculture and to fisheries and forestry in the last six years has been an absolute disgrace. Let us hope that the people of rural Australia show them the message when it comes to the election.

The ACTING DEPUTY PRESIDENT (Senator Bernardi): Order! It being 2 pm, the time allotted for consideration of these bills has expired. The question is that these bills be now read a second time.

Question agreed to.

Bills read a second time.

Third Reading

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (14:00): The question now is that the remaining stages of these bills be agreed to and that these bills be now passed.

Question agreed to.

Bills read a third time.
Sugar Research and Development Services Bill 2013
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013

Second Reading
Debate resumed on the motion:
That these bills be now read a second time.

Senator IAN MACDONALD (Queensland) (14:01): The sugar industry has been a very significant contributor to the economy of Queensland and Australia almost since the first Europeans landed on this shore. The first stick of sugarcane came into Australia with the First Fleet, and since then the industry has grown to be a major contributor to the economy and, I might say, culture of Queensland and that part of northern New South Wales that supports a sugar industry. I proudly come from a sugar town, the town of Ayr, in the Burdekin region, and somewhat parochially I say that the Burdekin region is without doubt the best sugar-growing area in the world. We have sunshine and not a lot of rain but plenty of underground water. We have a significant growing industry, with farmers who are very skilled, innovative and forward looking and mills that are fairly well up to date and amongst some of the best organised around the world.

The sugar industry in Queensland and indeed Australia really owes a lot to Pacific islanders, who were first brought to Queensland to do the work that it was thought that white men could not do in the tropics. In the time when the blackbirders were rife—not quite slavery traders but almost—some 62,500 Pacific islanders are thought to have been brought to Queensland to engage in the sugar industry. Most of them were from Melanesia—Vanuatu, the Solomons—and some were Polynesians. Many of those families never returned to their homeland, or, having returned, some of them came back to Australia, and of course the descendants of Pacific islanders now form a very significant part of many of the communities along the coast of North Queensland.

It is such a significant industry. It has had its ups and downs, but by and large it has been a very big contributor to the wealth of Queensland and Australia. It goes in cycles. In my time of living in Ayr and working around the sugar industry, there have been cycles of good times and bad times. Back in the early 2000s, the industry was in some difficulty. The Howard government provided some $400 million in assistance to help the industry through that difficult time because the Howard government recognised just what an important factor the industry was to many coastal towns and cities along the coast of North Queensland.

In the early days of the Federation of Australia, the influx of Pacific islanders was stopped. You might recall that the Labor Party in those days were very keen on a White Australia policy—something that, of course, they like to airbrush out of history these days. But it was good for the sugar industry. Many of the islanders who played such a big part in the sugar industry remain. But what it meant was that European migrants came in to take over the hard, backbreaking work in the tropics that was previously done by the Pacific islanders. We had in those early days a lot of people from Italy, and later from Greece and Spain, and even later from central Europe. These people entering Australia—often as very poor, almost penniless immigrants—worked very hard in the hot tropical sun cutting cane by hand and made some money. Over the
history of the sugar industry, those early European immigrants doing the hard work have saved their money and bought farms or invested wisely, and now most of the sugar industry growers and many of the milling people are descendants of those early Europeans. They have done particularly well along the coast of Queensland.

Not only have they brought economic value to North Queensland, north Australia and Australia as a whole, but also it has been a big part in the multicultural development of Australia. If you go anywhere in the North, you will find very multicultural communities that still recognise and celebrate their connection with their homeland. Indeed, the Australian Italian Festival that is held in Ingham every May Day is a great event that really highlights the influence of Italian immigrants on the Australian way of life and particularly on the sugar industry.

One of the things that have kept the sugar industry going so well is that it has always been an industry which is keen on innovation, development and research into new ideas. These days, of course, competing with cheap-labour countries overseas, the industry could not continue to exist if it did not have that innovation, that research and the cutting edge in industry innovation and development. That is why the Sugar Research and Development Services Bill 2013 is so important and that is why I am delighted that the coalition will be supporting the government's initiative.

At this stage I express my thanks both to the former agriculture minister Senator Ludwig and to the Greens political party, particularly Senator Siewert, for facilitating this bill on the program today. Unfortunately, when the first list of the bills that were going to be guillotined through this place before parliament rose came out, this bill was not on the list. When I approached Senator Ludwig he said: 'Yes, it should be, but I don't know what's been happening with those who make these decisions. It's disappeared from the list.' Because I know the industry is so keen to have this bill passed and because I know it is essential for the continuing development of the industry, it was necessary to encourage the Labor Party and the Greens to ensure that this bill was dealt with today, and I express—not only personally but on behalf of the sugar industry as a whole—for facilitating the passage of this bill today.

Through the thirties and fifties, there was a lot of innovation. Indeed, because Australia could not compete with cheap labour overseas, a lot of work went into mechanical harvesting and mechanical transporting of the cut sugar cane. A lot of innovation has gone into mills and the way sugar is extracted. In more recent times, a lot of innovation and research has gone into the energy uses of sugar cane and its by-products. That is why the industry was so keen to have this new arrangement put in place.

Those who understand that R&D companies are supported by the Commonwealth government would be surprised at the universal support for the new research and development program that is set up in this bill. Indeed, millers and growers in the sugar industry in Queensland—not always the best of friends, I might say—have got together and formed the Australian Sugar Industry Alliance Limited to make sure that the industry moves forward as a whole. The alliance was very keen to see that this new research facility—involving both the growing and the milling—did enable the Australian industry to keep ahead of the pack in research.
These new R&D corporations always come at a cost and in this instance the cost per tonne of cane that will support the new research body is 70c per tonne of sugar cane, paid equally by the growers and millers. This 70c a tonne, though, replaces other levies that used to be imposed on the industry for research and development: 14c a tonne for the Sugar Research and Development Corporation; 55c a tonne for the Bureau of Sugar Experiment Stations, a Queensland based research organisation which, I might add, has done a magnificent job over the years that it was in operation; and a further 5c a tonne for SRL activity.

Indeed, the industry is paying less in total than it was before and that is why 77 per cent of canegrowing businesses—some 3,440—returned their voting papers on the ballot to determine whether this new industry body would operate and whether the new levies would apply. Of those 77 per cent of growers who returned their voting papers, a massive number of 84.3 per cent approved the proposal and supported the new arrangement. Only 15.7 per cent voted no. Those people who understand how these ballots usually occur in rural industries would understand that that is a massively significant positive result. All seven milling companies voted yes, so this new arrangement of research and development has universal support within the sugar growing industry, both in Queensland and in New South Wales.

There are some 4,400 individual growing entities within the sugar industry, which has a total employment of some 16,000 people. They form the mainstay of many communities, like my own in Northern Queensland, and in the north of New South Wales. Some 360,000 hectares are harvested annually and the cane crushed in 2012 was some 30,000 megatonnes. The amount of sugar produced was 4,250 of a unit of quantity that I am not familiar with. A significant amount of that sugar is exported overseas. The industry’s revenue in 2012 was $2,000 million and the value of sugar for export was $1,500 million. Clearly, this is a very significant industry for Queensland.

I pause here to recognise the significant role that the former President of Canegrowers Queensland Mr Alf Cristaudo contributed to the industry. Alf has been leading the industry over very difficult times for a very long period and he has been a magnificent leader. He has retired as chairman of the Canegrowers organisation, although I know he will still be around, making a contribution to his community and the cane industry in the years ahead. I welcome the election of Mr Paul Schembri, from Mackay, who is the new Canegrowers supremo, if I can call him that. I know Paul will continue to lead the industry in the very adult and sensible way that it has been led to the benefit of the canegrowers, the millers and, indeed, the wider community over many years.

As I briefly mentioned before, this industry is not just about producing its main product of raw sugar; it has also, in more recent times, gone into the green energy area. There is a huge potential for greater use of sugar cane for energy. Some sugar cane is used for ethanol, and that is an area where there is a big future. But all of this requires proper research—clever, well-funded research—and dedicated and focused development and research issues. That is why this bill today and this new organisation that is being set up to do the research and development for the whole industry are so absolutely important.

The process has been going for some years now. If I were critical of Senator Ludwig, I would say in passing that it has taken a long time to get to this particular
point, but we are at least here, so I think that is tremendous. It is important this bill go through. I see my colleague Senator Joyce is in the chamber, and I know Senator Joyce's significant support for the industry over many years. I might curtail my remarks there so that Senator Joyce can have a couple of words on this significant industry research and development and extension program that is being supported by this bill. As I mentioned, the coalition will be supporting this, and good luck to the industry in the future. I know they will go on from strength to strength.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:17): I thank Senator Macdonald and concur with his remarks. If we are truly going to live in the Asian century, if we hope to be a powerhouse in agriculture, then we have to facilitate all the facets that bring that about. We note that the interest in the Australian sugar industry is intense. This industry can be a champion of the future, especially of North Queensland, and a champion of areas of new development, especially in areas such as the Ord. But if we are going to take the industry forward then we have to take it forward in a clever way. The world is not foolish in agricultural production; it is quite wise. When we hear that India can be a net food exporter, your general belief that, because there are a great number of people, therefore they are all hungry is not necessarily correct.

But what does happen is, as the world's middle class grows, they look for a higher quality of food, and a higher capacity for the attainment of a quality product. Therefore, we have every interest, for our own self-interest, in making sure that we are at the forefront of research and development in our key agricultural export commodities. So, in places such as sugar, beef and wheat, we need to have a real footprint, and we need to have the intellectual property that takes our nation to a position where, as the commodity booms in other areas—such as mining—start to taper off somewhat, that space can be filled by the increase in production in agricultural sectors and service sectors. So, as a smart economy and as a smart opposition that hopes that, if it places itself right, it might get the honour of leading the nation, we want to make sure that we do everything in our power to conduct the research in sugar as a key example of a key Australian crop. I thank the Senate for the capacity to give me some consideration on this matter, and I commend the Sugar Research and Development Services Bill 2013.

Senator THISTLETHWAITE (New South Wales—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Multicultural Affairs) (14:19): I understood that Senator Milne was going to move a motion.

The DEPUTY PRESIDENT: Senator Thistlethwaite, we are just concluding this bill. We have 14 seconds before the time allocation has run out. I am sure you would wish to commend it to the chamber.

Senator THISTLETHWAITE: In that regard, I thank all senators for their contributions to the discussion regarding this bill.

The DEPUTY PRESIDENT: Senator Thistlethwaite, we are just concluding this bill. We have 14 seconds before the time allocation has run out. I am sure you would wish to commend it to the chamber.

Senator THISTLETHWAITE: In that regard, I thank all senators for their contributions to the discussion regarding this bill.

The DEPUTY PRESIDENT: The DEPUTY PRESIDENT: The time has expired for the consideration of this bill and related bills. I now put the question that the bills be now read a second time.

Question agreed to.

Bills read a second time.

Third Reading

The DEPUTY PRESIDENT: The question now is that the remaining stages of the bills be agreed to and the bills be now passed.
Question agreed to.
Bills read a third time.

COMMITTEES
Privileges Committee
Membership

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:21): I move:

That standing order 18 establishing the Committee of Privileges be amended as follows:
(a) in paragraph (1), omit "7", substitute "8"; and
(b) omit paragraph (3), substitute:

(3) The committee shall consist of 8 senators, 4 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 a minority party and independent senators.

Senator MILNE: For the purposes of the debate, I would like to indicate that the motion seeks for standing order 18, establishing the Committee of Privileges, to be amended so that the committee would consist of eight senators—four nominated by the Leader of the Government in the Senate, three nominated by the Leader of the Opposition in the Senate and one nominated by a minority party and independent senators.

Senator MILNE: For the purposes of the debate, I would like to indicate that the motion seeks for standing order 18, establishing the Committee of Privileges, to be amended so that the committee would consist of eight senators—four nominated by the Leader of the Government in the Senate, three nominated by the Leader of the Opposition in the Senate and one nominated by a minority party and independent senators. There is a very good reason for moving this amendment today, and that is to represent the democratic wishes of the Australian people and in particular in terms of the representation here in the Senate.

The current membership of the Privileges Committee is under a temporary order of the Senate that was passed in October 2011 without any opposition from any party or Independent in the chamber, and it has been working well ever since. It is an accepted practice with Senate committees that they should be reflective of the composition of the chamber. Every other substantive Senate committee has got crossbench representation. For example, if you consider the legislation committees or the references committees, the Procedure Committee or the Standing Committee of Senators' Interests, all have crossbench representation—minor party and/or Independent representation. The Privileges Committee is the odd one out. As I indicated, that was changed by temporary order in 2011 and it has worked extremely well. There can be no argument in democratic representation. The Senate committee system is indeed one of its great strengths. I think all of us in here who have served—and everybody does from time to time—on the various committees will recognise that the strength of the Senate is having all the views in this Senate represented and given voice on those committees. The committee system has worked well.

There are some of us who were here in the Senate when the Howard government had control of both houses of the federal parliament. We saw then a change to the committee system for the worst. I remember that, when I was first elected here and took my seat in 2005, Senator Siewert and I moved for references on a number of occasions. One in particular was the impact of climate change on Australia's agricultural industries. It took us years before the Senate would finally agree to that, because it was blocked as a result of the majority that the Howard government had in both houses of parliament and they did not want to have the views of the alternative voices in the parliament considered, and yet now everybody across Australia's rural and regional communities understands the impacts of climate change that they are already suffering, and we could have been dealing with that years earlier if we had not been blocked from doing so. No-one will forget that the change to the committee system that occurred then gave the government control of all Senate committees. That has fortunately changed
back, and I would hate to think that there were any prospects in the future, after such a bad experiment, that Senate committees would not reflect the make-up of the Senate. It is on that basis that I argue strongly that the Privileges Committee does need to represent—

Senator Joyce: Mr Deputy President, I raise a point of order. Before we vote on this, I think it is very important that, when Senator Milne talks about minor parties, she points out whether she is referring to the Greens—or does that include the National Party?

The DEPUTY PRESIDENT: There is no point of order, Senator Joyce. Senator Milne, you have the call.

Senator MILNE: It certainly is true that the National Party is a minor party. If that is how they wish to describe themselves, well and good—and the Australian Greens outpoll them all over the country—but I do not think that is relevant to the point I make in terms of representation on Senate committees. In fact, the opposition parties are represented on all Senate committees, as they should be, but the minor parties and Independents are not represented on the Privileges Committee. That is why I am arguing that the Privileges Committee ought to come into line with all the other Senate committees and have representation from the crossbenches.

I think it is particularly important that we have this matter settled, because it would not be appropriate that we go to an election with a temporary order in place with a view to it lapsing without making a decision about permanency. I would like to hear from anyone who says that democracy is not well served by having representation from the crossbenches on the Privileges Committee. It would be grossly unfair if it were deemed that the Privileges Committee were the plaything of the two old parties.

Senator Joyce interjecting—

Senator MILNE: It is interesting; the lack of courtesy that is being extended by the likes of Senator Joyce just gives you an idea of the born-to-rule mentality that exists in this parliament.

Opposition senators interjecting—

Senator MILNE: It is most unfortunate that members of the opposition cannot extend other people the courtesy of being able to be heard in silence, which the standing orders require. Having said that, I think it is important that we settle this matter, that we change the membership of the Privileges Committee on a permanent basis so that we end up with a fair representation which shows that the crossbench has a percentage of members in this place and that that percentage of members needs to be represented in all of the Senate committees.

Opposition senators interjecting—

Senator Hanson-Young: Mr President, on a point of order, I cannot hear what Senate Milne is saying because of the rabble on that side screaming across the chamber. I would ask you to ask them to desist.

Opposition senators interjecting—

The PRESIDENT: Order! I remind honourable senators that a senator speaking is entitled to be heard in silence. Senator Milne, you are to continue.

Senator MILNE: As this motion indicates, I think it is time we made a decision on the Privileges Committee—that the membership be permanently changed so that it reflects the make-up of the Senate and that the crossbench has representation on the committee—because that is the only fair and decent thing to do and brings it into line with all of the other Senate committees. (Time expired)

Senator Abetz: Mr President, on a point of order: I circulated an amendment to this
motion. It has been circulated to all honourable senators. I simply ask: are we really to believe that the deals that have been done today will stop the longstanding precedent and principle that all proposed changes to standing orders go to the Procedures Committee? That has been the practice each and every time there has been a change to standing orders in this place. This proposal has not been to the Procedures Committee, and I simply say to those opposite, especially the ALP: be exceptionally careful. I am just asking for your guidance, Mr President, as to whether this motion will allow that strong principle, that strong precedent that has been followed by everybody, to just be tossed out the window like a soiled tissue, discarded without any thought.

The PRESIDENT: Order! The clock had ticked over to 2.30 pm, and in accordance with the resolution of the Senate, I will proceed to the next business.

BILLS
Early Years Quality Fund Special Account Bill 2013
First Reading
Bill received from the House of Representatives.

Senator THISTLETHWAITE (New South Wales—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Multicultural Affairs) (14:32):
I 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 THISTLETHWAITE (New South Wales—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Multicultural Affairs) (14:32):
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—
I rise today to read the Early Years Quality Fund Special Account Bill 2013 for the second time.

Commitment to early childhood
This Government has a proud record of achievement in early childhood education and care.

Core to our values is giving every child an opportunity to succeed and we have consistently demonstrated throughout the last six years, our commitment to improving the outcomes for all Australian children.

With more Australian children in education and care than ever before and a compelling body of evidence showing that 90 per cent of a child's brain development happens in these critical years, we want to give our children the best start in life.

Australian and international research shows that having educators with higher qualifications is closely associated with improved outcomes for children. More highly qualified staff means a greater understanding of early childhood development so staff are more able to lead activities that inspire youngsters and help them learn and develop.

This Bill acknowledges that commitment by securing for these educators the necessary recognition of their professionalism and to reward them accordingly with higher wages.

At the heart of this Bill is this Government's commitment to quality early childhood education, a commitment to early childhood education that is accessible and affordable and a commitment to having a highly qualified early childhood workforce.

Quality
The Government's commitment to quality early childhood education is evidenced by our leadership in establishing the National Quality
Framework for early childhood education and care.

The National Quality Framework is an important reform which delivers a higher standard of care for children in the critical areas of educational development, health and safety and social interactions. It provides clear and comprehensive information for families so they can make informed choices about which service is best for their child.

The National Quality Standard improves quality through improved educator-to-child ratios, stronger educator qualification requirements and a new quality rating system.

Quality early childhood education and care ensures that children are happy, engaged and learning with qualified educators who are nurturing and caring. It means children are in safe and stimulating learning environments. When parents drop off their children, they need to do so with confidence that their child will be cared for and educated in the best way possible.

We have recently seen the first ratings published on the website giving parents more information to help them choose the service that meets their needs.

The NQF is a fundamental and long lasting reform. Ensuring improved quality of early childhood education and care will produce long term improved productivity and economic prosperity for Australia.

The Early Years Quality Fund will support the implementation of the NQF by assisting providers to offer educators higher wages consistent with changes in staff to child ratios and the increased qualification requirements of the NQF.

Affordability and Accessibility

This Government has been working hard to ensure that quality early childhood education and care remains affordable and accessible for all Australians families.

But we know that affordability is only part of the story and that accessibility to quality services is critical.

We have recognised that early childhood education and care is not a one-size-fits-all endeavour.

We understand that services must be more responsive to the varying needs of families. That's why Child Care Rebate and Child Care Benefit can be used for a range of flexible approved child care services.

The Australian Government is trialling new ways to make child care more flexible for families, such as extending opening hours in long day care centres.

Our commitment to accessible quality early childhood education and care is also evidenced by the Government's investment of nearly $970 million between 2008 and 2013 to provide all children in the year before school access to a quality pre-school education delivered by a qualified early childhood teacher.

Recent data shows that because of this investment 266,000 four and five year old children were enrolled in a program in the year before full-time school in 2012. This is 60,000 more children enrolled in 2012 than in 2008.

In this year's budget, the Government announced a further $660 million to extend the universal access commitment to quality early childhood education in the year before school to the end of 2014.

This brings the total funding to over $1.6 billion to area that was neglected prior to 2007.

It is with pride that I can also say that the early childhood education and care Closing the Gap target will be met this year. In 2008 we pledged to deliver access to early childhood education to all indigenous four-year-olds in remote communities within five years.

This year, 2013, we will meet that target. I am proud to be a part of a Government that not only set ambitious long term goals, but provided the funding and leadership to achieve that goal.

Quality Workforce

Every day thousands of committed and dedicated early childhood professionals help to
prepare Australian children for the world around them, providing a nurturing, caring and supporting environment. An environment where every child gets the opportunity to learn, grow and develop at their own pace, with people interested only in helping them be the best they can be.

We know these critical early years mean so much to a child's future learning and we owe it to both the children and families using early childhood education and those that educate and care for them to do all that we can to recognise and reward the important work that they do.

With over 615,000 children in long day care in Australia to the September quarter of last year the benefit to the community is enormous.

And, in addition to the critical work educating children, educators are crucial in upholding the economic stability of the country through increased workforce participation and greater security of employment, especially for women.

I am proud of this Government's record in assisting the early childhood workforce, through programs such as:

- The TAFE Fee Waiver—which enables students to obtain a diploma or advanced diploma in children services without paying fees.
- The Recognition of Prior Learning initiative—which provides grants of up to $3500 to enable educators to have the skills they have acquired through working in the sector recognised and enable them to obtain or upgrade their qualifications.
- The HECS-HELP initiative—which provides funding to reduce the Higher Education Loan Program debts of early childhood education teachers who work in areas of high need, such as remote areas.
- The Inclusion and Professional Support Program—through which the educators and services receive professional development and support to enhance the provision of quality early childhood education and care services.

**Early Years Quality Fund**

In bringing this Bill here today, the Government continues this record of achievement in early childhood through securing a professional workforce that will ensure higher quality education and care for Australian children.

To complement the vital work that this Government has done to improve accessibility, affordability and quality of early childhood education and care, this Bill establishes a $300 million Early Years Quality Fund to support quality outcomes for children by assisting the early childhood services to attract and retain qualified hard working professionals in the sector and reduce the numbers of educators leaving the sector overall.

The Fund, which will operate for two years, will enable grants to be paid services to supplement wage increases of all educators and staff assisting in the provision of quality early childhood education and care.

The fund will ensure higher wages across all classification scales, providing an incentive for educators to further their careers by attaining higher qualifications.

This Bill will be the difference between some of the best and brightest in the sector staying in their vitally important profession, or leaving for higher wages in sectors such as retail or administration.

The Early Years Quality Fund will assist with maintaining the affordability of early childhood education, along with the Government's substantial financial assistance to families through Child Care Benefit and Child Care Rebate, while ensuring the high quality of education and care for children.

All Long Day Care centres approved for Child Care Benefit can apply for the funding. Eligible services must demonstrate a commitment to improve quality outcomes for children, including workforce plans to attract and retain qualified staff.

But we know that this Fund is the first step in the increased professional recognition of the early childhood education and care workers. That is why, the Government also announced the establishment of the Pay Equity Unit in the Fair Work Commission.

The Pay Equity Unit will undertake research and data collection to inform matters related to
pay equity under the Fair Work Act, modern award reviews and annual minimum wage decisions.

The Early Years Quality Fund and the Pay Equity Unit build on the record of achievement in the Social and Community Services and the Aged Care sectors. The Government has achieved significant outcomes with respect to pay equity, but is committed to do more to close the gender gap and assist workers in low paid sectors, who are usually women, to improve wages and gain the professional recognition they deserve.

The Early Years Quality Fund will give a much needed wage increase to our professional, hard-working qualified early childhood educators, ensuring that they not only feel valued, but that their value to the Australian community is reflected in their pay checks.

The Fund continues the Government's commitment to economic growth and jobs, supporting parents to remain in the workforce, increasing skills across the workforce and building a productive future for our children.

Senator CASH (Western Australia) (14:32): I rise to speak on the Early Years Quality Fund Special Account Bill 2013. I have to say, those on the other side must be exceptionally happy that (a) we are already at three minutes past 2.30 pm and (b) the guillotine falls on this bill at 2.45 pm today. And why do I say that? I say it because there are some bills that have been rushed through this place so quickly that the Australian public will not know what the details of the bills are. In relation to this bill, Labor and their little friends the Greens are joining with Labor today to support, this is probably one of the greatest travesties of justice that is ever to go through this place. By this bill, Labor and their little friends the Greens are throwing a few crumbs at the lowest-paid workers in Australia and they are acting as if those few crumbs are gold. When you read the details of this legislation, it becomes apparent that the Early Years Quality Fund Special Account Bill is nothing more and nothing less than a con.

The United Voice union was having trouble signing up members, so what did it do? It went to its union mates in the government and said, 'We need some money', and a deal was done to give United Voice what is in effect $300 million, which they will have access to through this fund. And then what did United Voice do? They went on a membership drive, and do you know what they said? They blatantly misled the lowest-paid workers in Australia—those who work in the child-care industry—and senators, because that is clearly a personal reflection on members or officers of this house.

The DEPUTY PRESIDENT: Senator Cash, it would assist if you were prepared to withdraw that.

Senator CASH: Absolutely, Mr Deputy President. I withdraw the statement in relation to grubbiness. But I will say that they are hypocrites. By their very actions in accepting the largest political donation of all time—the $1.6 million that they accepted from Mr Graeme Wood—they are well and truly able to be described as hypocrites. In fact, some may say, in relation to those people who speak with forked tongue and stand up in this place and say one thing and then do another, that those actions are grubby little actions.

But in relation to this particular bill, which the Greens are joining with Labor today to support, this is probably one of the greatest travesties of justice that is ever to go through this place. By this bill, Labor and their little friends the Greens are throwing a few crumbs at the lowest-paid workers in Australia and they are acting as if those few crumbs are gold. When you read the details of this legislation, it becomes apparent that the Early Years Quality Fund Special Account Bill is nothing more and nothing less than a con.

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they sent out the following propaganda. They sent out a document that stated: 'How does my centre qualify for the money that they can get under the fund? This is how you qualify: you join United Voice.' Well, no, actually—you do not need to join United Voice to get access to this fund. United Voice then negotiates a new EBA, because—guess what? One of the conditions of this fund is that the childcare centre has to have an EBA. And guess what? Only 20 per cent of childcare centres in Australia have an EBA—knocking out, overnight, 80 per cent of childcare centres in Australia. They automatically do not qualify for this fund unless United Voice negotiates an EBA on their behalf. They then say the owner-operator signs an agreement with the government. And guess what the end process is? You get a raise. That is blatantly misleading the lowest-paid workers in Australia. The Labor Party and their little friends in the Green movement know full well that less than 40 per cent of those in the childcare sector will get any share of these funds—less than 40 per cent.

So when they stand up in this place and they say that they are getting a raise for the lowest-paid workers in Australia and they have the audacity to then send out propaganda to those workers indicating that they will all get a raise, that is an absolute disgrace. It shows just how low those on the other side will go to blatantly mislead those vulnerable people in the childcare sector who actually believed that this legislation was going to give them a pay rise. That is completely, totally and utterly incorrect.

But worse than that even the former minister—the minister had to resign because he could not serve under the current Prime Minister, Mr Rudd—Minister Garrett claimed that 68,000 people may or may not be entitled to the pay rise. Media reports say that it is closer to a workforce of 78,000. But guess what? When at estimates we asked the department how many childcare workers in Australia would potentially qualify for these funds, do you know what the department said? They said, 'We actually don't know.' But they could confirm one thing: they could confirm that 40 per cent or fewer of the childcare sector will qualify for the funds. Do you know what is even worse?

Senator Lines interjecting—

The DEPUTY PRESIDENT: Order! Senator Lines, you have been interjecting quite consistently. It is disorderly to do so across the chamber.

Senator CASH: Was that a sheep bleating? Did someone bring a sheep into this chamber?

The DEPUTY PRESIDENT: Ignore the interjections, Senator Cash.

Senator CASH: Senator Back, did you bring a sheep into this chamber? If you did you need to control it. As a vet, Senator Back, you need to control your sheep.

As I was saying, the childcare sector—the people who are allegedly going to be the beneficiaries of this legislation—have come out and said to the government: 'You can't do this. You are creating a two-tiered system within child care in Australia.' But why does that surprise me? Those on the other side play elitist politics every day of the week. Those on the other side love class warfare. This is exactly what this bill does. They throw $300 million at United Voice. United Voice can then run around on a membership drive and sign up a few extra people. And they will be telling them that they are going
to get a pay rise, and that is blatantly misrepresenting what this legislation does. But at least the childcare sector knows that this legislation is nothing more and nothing less than confirmation of what we already knew about the former Gillard government—and quite frankly the current Rudd government. And we all know that Senator Wong voted for Rudd, the sisterhood stabbing one of their own in the back. You always have to like it, don’t you, when the sisterhood stab one of their own in the back? Stabbing people in the back is exactly what this legislation does.

What is worse than the fact that this is merely for a union membership drive and worse than the fact that 40 per cent or fewer of the sector will qualify is that the fund runs out after two years and then there is no money; no money at all. The Labor Party, the party of the workers, throw a bit of money at a few people in the sector and pretend that they are saving the world and giving them a huge pay rise—and they pretend that they are the party of the workers—when in reality this is nothing more and nothing less than one of the worst con jobs that has ever come before this chamber.

Then you have the childcare centres, who have said to the government in submission after submission: ‘We are concerned. What happens if we apply for these funds and are not successful? What do we then go back and say to our workers? Our union, United Voice, told the workers they’re getting a pay rise. But under the guidelines, they’re not getting a pay rise. What do we say to the workers?’ I can tell you what United Voice are going to be saying: they are going to be saying, ‘That bad employer refused to pass that pay rise on.’ But there will be no pay rise; there never was a pay rise. This legislation is just smoke and mirrors, nothing more and nothing less.

What is worse is that a lot of the childcare centres have said that, as a result of this grubby little piece of legislation, they are going to have to raise the wages that they pay to compete with those who may get a wage rise courtesy of the government. But they cannot afford to. All this government is doing is creating a two-tiered system in Australia. But you would expect nothing more and nothing less from those elitists on the other side.

The PRESIDENT: The time allocated for the consideration of this bill has expired. The question is that this bill be now read a second time.

The Senate divided. [14:49]

(The President—Senator Hogg)

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

AYES

Bilyk, CL
Brown, CL (teller)
Crossin, P
Farrell, D
Furner, ML
Hanson-Young, SC
Lines, S
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Wong, P

NOES

Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D

Bishop, TM
Birmingham, SJ
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B

Back, CJ
Blenkinsop, S
Cameron, DN
Di Natale, R
Feeney, D
Gallacher, AM
Hogg, J
Ludlam, S
Lundy, KA
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Whish-Wilson, PS
Wright, PL

CHAMBER
The question now is that the remaining stages of the bill be agreed to and the bill be now passed.

The Senate divided. [14:53] (The President—Senator Hogg)

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

PAIRS

Carr, KJ Sinodinos, A
Carr, RJ Cormann, M
Collins, JMA Brandis, GH
Conroy, SM Boyce, SK
Faulkner, J Ruston, A
Urquhart, AE Boswell, RLD

The President—Senator Hogg

AYES

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

NOTICES

Presentation

Senator Rhiannon to move:

That the following matter be referred to the Economics References Committee for inquiry and report by 28 November 2013:

The current funding for Australian universities and its effects on the quality of Australian higher education, and in undertaking the inquiry, the committee must consider:

(a) staff conditions and job security for a future academic workforce;
(b) the impacts on the quality of teaching and learning outcomes and the student experience;
(c) the ability of universities to undertake quality research;
(d) issues of equity for regional and rural universities and their students;
(e) impacts of recently announced $2.3 billion cuts to the sector; and
CHAMBER (f) any other related matters.

BILLs

Migration Amendment (Temporary Sponsored Visas) Bill 2013

First Reading

Bill received from the House of Representatives.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:55): I 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 LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:56): I table a revised explanatory memorandum relating to the bill and 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—

MIGRATION AMENDMENT (TEMPORARY SPONSORED VISAS) BILL 2013

The purpose of this Bill is to propose a package of integrity measures that seek to enhance the government’s ability to deter sponsor behaviour which is inconsistent with the policy intent of the Subclass 457 visa program and other temporary employer sponsored visa programs. Together with proposed amendments to the Migration Regulations 1994, this Bill presents a comprehensive package of reforms which would balance the interests of Australian workers with the need to strengthen protection for overseas workers.

Importantly, the Bill gives powers to the Fair Work Ombudsman (and Fair Work Inspectors) to monitor and investigate compliance with sponsorship obligations, to ensure workers are working in their nominated occupation and being paid market salary rates.

It will require Subclass 457 sponsors to undertake Labour Market Testing in relation to a nominated occupation, in a manner consistent with Australia’s relevant international trade obligations, to ensure that Australian citizens, permanent residents and eligible temporary visa holders are given first opportunity to apply for skilled vacancies in the domestic labour market.

The government has always said that the Subclass 457 visa plays an important role in allowing employers to address skilled shortages when skilled local labour is unavailable. It is intended as a vehicle to allow employers to quickly supplement the Australian labour market, including the use of Enterprise Migration Agreements and Regional Migration Agreements, where a genuine skill shortage exists.

It is an important component of our overall non-discriminatory migration program, which is roughly comprised of one third families and two thirds skilled migration. Just over half of the current holders of Subclass 457 visas go on to apply for permanent residence and we think that’s appropriate.

Usage of the Subclass 457 visa program has been growing strongly in recent years. The number of primary Subclass 457 visa holders in Australia has risen from 68 400 in June 2010 to 106 680 as at 31 May 2013, an increase of 56 per cent.

Many growing industries including those connected with the resources boom, such as mining, as well as non-resource sector users of the program, such as health care and information and communications technology (ICT), accounted for a large portion of all Subclass 457 visa grants in 2011-12.

However, strong growth has also been recorded in industries in which employment has fallen recently, such as accommodation and food service, and retail trade.
It concerns the government that, at a time when the labour market has been flattening and some sectors and regions have experienced layoffs and increased unemployment, the Subclass 457 program has continued to grow.

Coupled with this strong growth is a tendency for some employers to source foreign labour through the Subclass 457 program without regard to the Australian domestic labour force.

These trends highlight that current requirements do not commit sponsors to using the Subclass 457 program as a supplement to, rather than a substitute for, the domestic labour force.

In the recently released report of the Migration Council Australia, survey data of Subclass 457 employer sponsors revealed that 15% of employers say that they have no difficulty finding suitable labour locally and yet they sponsor employees from overseas under this scheme.

Further, 7% of primary visa holders surveyed said that they were remunerated differently to their Australian counterparts doing the same work, while 2% stated they were paid well under the minimum salary for a 457 employee which is currently $51,400.

Indeed, the reforms at the heart of this Bill are not unique to the Australian context. As recently as the 7th of May this year, the Canadian Prime Minister, Mr Stephen Harper—a conservative—stated in relation to his country’s equivalent of the Subclass 457 scheme:

"Not only has the government indicated for some time that it would be reforming the temporary foreign workers program, but in the budget last year specifically we brought in measures to better match job vacancies with people who are seeking work or in the employment insurance system. We have been very clear. We need to do a better job of matching the demand for employment insurance and the demand for temporary foreign workers. That is precisely what the government has been doing for a year and a half ... The minister brought in changes last year to make sure people who are on employment insurance get first crack at jobs rather than temporary foreign workers."

The Canadian Government is taking steps to tighten the provisions of their program to ensure that only genuine skill shortages are being filled by temporary overseas labour.

Likewise, academics from the Law School of The University of Adelaide recently submitted to a Senate enquiry that the 457 scheme had shifted in focus since its introduction in 1996 from a focus on filling high skill jobs in areas of skill shortage to satisfying broader employer demand for labour. It is worth noting that back in 1996, Labour Market Testing was a requirement of the scheme.

The Australian Hotels Association underlines this shift in recently arguing for a lowering of the minimum salary threshold of $51,400, such that employers in their industry could use the scheme more extensively. I remind the Chamber that in the past 12 months the use of 457s in the hospitality industry has doubled—yes, it has doubled in the past year.

This Bill, together with the package of reforms announced in February 2013, seeks to realign the program to ensure a balance between job opportunities for Australian citizens and permanent residents, enabling employers to fill skills shortages, while protecting overseas workers. The measures will be implemented in a manner consistent with Australia’s relevant international trade obligations.

The purpose of the Subclass 457 visa program is to address genuine shortages without displacing employment and training opportunities for Australian citizens and permanent residents and without serving as the mainstay of the skilled migration program.

The government has concerns that some employers are turning to overseas workers first, rather than investing in local training and recruitment. There has also been evidence of some sponsors paying overseas workers below the market rate, failing to commit to the training requirements of the program, and using the visa fraudulently to help family and friends migrate.

In February, the Government announced a package of reforms to the Subclass 457 visa program to strengthen its capacity to identify and prevent employer practices that are not in keeping with the intent of the program.
These reforms will build on the Worker Protection reforms of 2009 that introduced a sponsorship framework designed to ensure that the working conditions of sponsored visa holders meet Australian standards and provided certain cost incentives to encourage employers to seek to recruit Australians before looking to sponsor overseas skilled workers. The 2009 reforms also introduced a civil penalty regime, including infringement notices to enhance the powers of the Department to take action against sponsors who fail to meet their sponsorship obligations.

The proposed changes to the Migration Regulations will seek to reduce the risk of nominations for non-genuine positions; strengthen the market salary rate requirement; align the English language requirement with that of the permanent Employer Nomination Scheme; introduce an obligation that sponsors meet the training requirement for the term of sponsorship approval; remove potential for the exploitation of temporary overseas skilled workers; and restore public confidence in the program.

To complement the reforms to the Migration Regulations announced in February 2013, the Bill will enshrine in the Migration Act the kinds of sponsorship obligations which are to be prescribed in the Migration Regulations.

This will ensure that the Migration Regulations include existing sponsorship obligations requiring sponsors to among other things:
- ensure equivalent terms and conditions of employment (including payment of a 'market salary rate'),
- keep information and provide information to the Department, and
- cooperate with inspectors;

as well new and strengthened sponsorship obligations proposed to come into effect on 1 July 2013 to:
- meet training requirements for the term of sponsorship approval, not transfer, charge or recover certain costs from sponsored visa holders and restrict on-hiring arrangements.

Exactly how the new obligations will be spelt out in the Migration Regulations proposed to commence on 1 July 2013.

The Bill will further strengthen the integrity of the Subclass 457 visa program by expanding the government's capacity to detect and take action against sponsors who do the wrong thing and ensure that overseas workers are not used as a substitute for Australian workers.

The government believes that Australian citizens and Australian permanent residents deserve the opportunity to get local jobs on local projects.

The government also announced in February an expansion of the Fair Work Ombudsman and Inspector powers.

This Bill expands the government's capacity to monitor and investigate compliance with the temporary sponsored work visa program by enabling Fair Work Inspectors to exercise powers for the purposes of the Migration Act.

The Bill will make it clear that a Fair Work inspector is also an inspector for the purposes of the Migration Act and is able to exercise all the powers conferred on inspectors by the Migration Act.

The Department currently has 32 active inspectors appointed under the Migration Act to monitor compliance with sponsorship obligations. An expansion of inspector powers to over 300 Fair Work inspectors will significantly increase the government's capacity to monitor compliance with the Subclass 457 visa program and other sponsored visas.

Fair Work inspectors will focus in particular on monitoring a sponsor's compliance with the following obligations:
- to ensure equivalent terms and conditions of employment which requires sponsors to ensure the subclass 457 visa holders are receiving at least the same salary as that which was approved at nomination; and
- to ensure the sponsored person works or participates in the nominated occupation and is performing the duties of the occupation, approved at nomination.
The Migration Act contains an enforcement framework relating to the sponsor monitoring regime which includes administrative sanctions (to bar or cancel the approval of a person as a sponsor), an infringement notice and civil penalty scheme.

The Bill provides for enforceable undertakings as an additional enforcement option under the Migration Act where a sponsor has failed to satisfy a sponsorship obligation.

Enforceable undertakings are promises enforceable in court which would be agreed between the Minister and a sponsor.

Enforceable undertakings would be used as an alternative to, or work in combination with, barring a sponsor or cancelling a sponsor's approval.

Enforceable undertakings might also avoid the substantial legal costs associated with litigation in the courts. They are designed to be flexible and secure compensation for any loss resulting from contraventions (for example, payment to compensate for underpayment of workers).

The amendment will also allow the Minister to publish enforceable undertakings on the Department's website. This is an important tool to encourage compliance by all sponsors and a means of providing transparency to the Australian public on the monitoring of sponsors.

A key objective of this Bill is to strengthen the government's capacity to manage the Temporary Sponsored Work visa program (in particular, the Subclass 457 visa program). It will seek assurance from employers that they are only utilising the 457 visa program in circumstances where there is a genuine skills shortage in Australia. To enable this outcome, the Bill introduces a requirement that sponsors must undertake Labour Market Testing in relation to nominated occupations, in a manner consistent with Australia's relevant international trade obligations.

In recognition that the Subclass 457 visa is the primary visa that delivers our World Trade Organization and Free Trade Agreement obligations for the Movement of Natural Persons, the Bill ensures that Australia continues to meet our obligations not to Labour Market Test certain categories of persons.

The Bill allows the Minister for Immigration and Citizenship to determine by legislative instrument how to give effect to relevant categories of persons for whom international obligations are owed. The legislative instrument will reflect the relevant commitments with respect to Labour Market Testing under Australia's international trade agreements.

The labour market testing requirement will be met if the Minister is satisfied that a suitably qualified Australian citizen, Australian permanent resident or eligible temporary visa holder is not readily available to fill the nominated position. An eligible temporary visa holder is defined as a person who, at the time the application for the nomination is made, holds a Work and Holiday (462) visa or a Working Holiday (417) visa and who is lawfully employed in the agricultural sector by the sponsor (or an associated entity of the sponsor).

It is proposed that the Labour Market Testing requirement will initially require a sponsor to demonstrate that they have sought to find a suitably qualified Australian citizen or Australian permanent resident anytime within the four months prior to submission of an application for nomination approval. There has been some misinformation regarding the time period; so I reiterate, labour market testing can be undertaken anytime within the four months prior to application for nomination approval, it is not required to be undertaken for four months. This will provide a balance between giving Australians the opportunity to apply for jobs, and ensuring that Australian businesses do not experience undue delays in filling skilled labour shortages which would negatively impact on their businesses. As part of the evidentiary requirement, a sponsor may include research on labour market trends generally and in relation to relevant occupations that was released in the four months prior to a sponsor lodging a nomination.

In addition, the Bill proposes a mandatory requirement for sponsors to provide information if one or more Australian citizens or Australian permanent residents were made redundant or retrenched from positions in the nominated
occupation in a sponsor's business or associated entity in the four months prior to lodging a nomination.

If there have been redundancies or retrenchments, labour market testing must be undertaken by the sponsor after those redundancies and retrenchments.

In relation to the evidentiary requirements for sponsors, the Bill proposes that it be mandatory for a sponsor to provide information about their attempts to recruit suitably qualified and experienced Australian citizens or Australian permanent residents to the position and any similar positions. Sponsors must also provide details of any advertising (paid or unpaid) of the position, and any similar positions, commissioned or authorised by the approved sponsor, and fees and other expenses paid (or payable) for that advertising.

If the approved sponsor elects to provide evidence and information other than evidence of advertising and fees, or payment of fees, to support their claim to have tested the labour market, the Minister may take that evidence into account. The nomination will not, however, be treated less favourably if the approved sponsor elects not to provide such additional evidence or information.

The Bill proposes a delayed commencement for the Labour Market Testing requirement to allow sufficient time for the implementation of Labour Market Testing and ensure that sponsors are given a period of time to undertake Labour Market Testing.

Further, the Bill includes an exemption to the Labour Market Testing requirement in the event of a major disaster, natural or otherwise, in order to assist disaster relief or recovery.

This exemption will give the government flexibility to respond to situations of national or state emergency and would facilitate the speedy entry of overseas skilled workers without the delay caused by requiring a sponsor to undertake labour market testing.

The Bill allows for skill and occupational exemptions to the labour market testing requirement to apply to specific occupations, by legislative instrument, within Skill Levels 1 or 2 as currently described in the Australian and New Zealand Standard Classification of Occupations. The legislation will however, require that nominations made by approved sponsors requiring either or both experience or a qualification in engineering (including shipping engineering) or nursing cannot be exempt from labour market testing.

At present all primary Subclass 457 visa holders are subject to visa condition 8107 which provides the visa holder must not cease employment for 28 consecutive days. If a visa holder does not comply with this condition there are grounds to cancel their visa.

This Bill amends the Migration Regulations 1994 to extend the period from 28 days to 90 consecutive days, enabling a more socially just outcome for visa holders as they will have more time find an alternative job with an employer sponsor or to arrange their personal affairs at the conclusion of sponsored employment.

This amendment is in line with recommendations of the 2008 Deegan review of the Subclass 457 visa program and the Migration Council Australia in its report of 11 May 2013.

Lastly, to ensure that the views of relevant stakeholders are considered in any regulatory changes to the Subclass 457 visa program, and in recognition of the advisory function of the Ministerial Advisory Council on Skilled Migration, the Bill proposes the inclusion of the requirement that the Minister must take all reasonable steps to ensure that, at all times, there is in existence the Migration Advisory Council on Skilled Migration, a body which includes representatives of unions, industry and State and Territory governments and other members if any nominated by the Minister, and that meets at least on a quarterly basis. Without limiting the functions, the Ministerial Advisory Council on Skilled Migration is to provide advice to the Minister in relation to the temporary sponsored work visa program.

The Government intends to review the efficacy of these reforms within three years of their implementation to ascertain whether further refinements are required. We have some major changes in our labour market over recent years.
and it is appropriate that we re-examine these policy settings.

The totality of the Government's reforms will close loopholes in the current legislative and policy settings to ensure that the program can only be used by appropriately skilled persons and to fill genuine skills shortages as was intended. Put another way, they aim to ensure the program better meets its overarching intent of acting as a supplement to rather than a substitute for the Australian labour market, in a manner consistent with Australia's relevant international trade obligations.

The government is confident that the revised legislative and policy settings for the Subclass 457 program will achieve this balance, and will further enhance an already successful program.

I commend the Bill to the Senate.

Senator CASH (Western Australia) (14:56): I rise to speak on the Migration Amendment (Temporary Sponsored Visas) Bill 2013. The sisterhood may have taken out one of their own the other night; the Labor leadership may have changed and you may now have Prime Minister Rudd; but, within the first 24 hours of Prime Minister Rudd reassuming the leadership, there is one thing that the Australian public have learnt and that is: they may have changed the Leader of the Australian Labor Party, but they have not changed their direction.

This bill is an example. If Mr Rudd had really meant it the other night when he said, 'I want to do a deal with business; I want to work with business,' this is the first piece of legislation he would have pulled. This legislation is nothing more and nothing less than the CFMEU, Minister O'Connor and former Prime Minister Gillard getting together without any consultation whatsoever with industry and without any regard for their own Office of Best Practice Regulation, which said, 'You have to assess regulatory impact in relation to this legislation.' No way—why do that when you can come to this place, stitch up a deal with your little mates in the Greens, the green doormat, and slam this legislation through the Senate with 3½ minutes of debate?

The Australian Mines and Metals Association got it right in their press release today: 'Day 1: Rudd sells business out to unions.' There you go. This is a business that is directly affected by this legislation and on day one AMMA is already issuing a statement—

Senator Farrell: Mr Deputy President, I rise on a point of order. I believe Senator Cash has exceeded the decibel levels in the—

The DEPUTY PRESIDENT: That is no point of order. Senator Cash has the call.

Senator CASH: If you want to talk about exceeding decibel levels, I wonder how loud former Prime Minister Gillard screamed when her own sisterhood knifed her in the back and took her out. Minister Wong is now sitting, reaping the spoils of the victory, drinking from the chalice of blood—Ms Gillard's own sisterhood took her out. Where is EMILY's List when you need them? There goes EMILY's List now, walking up to the table. This is what the sisterhood in the Labor Party do. They take out one of their own because they did not have the guts to take the former Prime Minister, Ms Gillard, to the election. They did not have the guts to have her face the Australian people.

Quite frankly, the current Prime Minister, Prime Minister Rudd mark II, is nothing more and nothing less than a carbon copy of Prime Minister Rudd mark I and former Prime Minister Gillard. This is the bill that says to the Australian people: nothing has changed at the top. You can take the photograph away and put up another photograph, but guess what? Unless you change the direction of your policy, unless you realise that you have made mistakes, the Australian people will judge you. When you
have a piece of legislation as important as this being slammed through the Senate with 3½ minutes of debate, if that does not say the union movement controls the ALP, I do not know what does.

The PRESIDENT: Order! The time for consideration of the bill has expired. The question is that the bill now be read a second time.

The Senate divided. [15:04]

(The President—Senator Hogg)

Ayes....................37
Noes....................29
Majority..............8

AYES
Bilyk, CL
Brown, CL (teller)
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Wong, P
Xenophon, N

Bishop, TM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludwig, JW
Madigan, JJ
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Sterle, G
Thorpe, LE
Whish-Wilson, PS
Wright, PL

NOES
Sinodinos, A
Williams, JR

Question agreed to.
Bill read a second time.

Third Reading

The PRESIDENT: The question now is that the remaining stages of the bill be agreed to and that the bill now be passed.

The Senate divided. [15:08]

(The President—Senator Hogg)

Ayes ....................37
Noes ....................29
Majority ..............8

AYES
Bilyk, CL
Brown, CL (teller)
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludlam, S
Lundy, KA
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Wong, P
Xenophon, N

Bishop, TM
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludwig, JW
Madigan, JJ
McEwen, A
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LE
Whish-Wilson, PS
Wright, PL

NOES
Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Mason, B
Nash, F
Payne, MA
Ryan, SM

Back, CJ
Birmingham, SJ
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG

NOES
Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Mason, B

Back, CJ
Birmingham, SJ
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B

CHAMBER
Question agreed to.
Bill read a third time.

COMMITTEES
Membership

The PRESIDENT (15:11): Order! I have received letters from party leaders requesting changes in the membership of various committees.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:12): by leave—I move:

That senators be discharged from and appointed to committees as follows:

Cyber Safety—Select Committee—
Appointed—Senators Bilyk, Stephens and Pratt

Community Affairs Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Economics Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Education, Employment and Workplace Relations Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Environment and Communications Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Finance and Public Administration Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Foreign Affairs, Defence and Trade Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Gambling Reform—Joint Select Committee—
Appointed—Participating members: Senators Conroy and Ludwig

Legal and Constitutional Affairs Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

National Broadband Network—Joint Standing Committee
Appointed—Participating members: Senators Conroy and Ludwig

Rural and Regional Affairs and Transport Legislation and References Committees—
Appointed—Participating members: Senators Conroy and Ludwig

Question agreed to.

BILLS

Australian Sports Anti-Doping Authority Amendment Bill 2013

International Organisations (Privileges and Immunities) Amendment Bill 2013

Returned from the House of Representatives

Messages received from the House of Representatives returning the bills without amendment.
Aged Care (Living Longer Living Better) Bill 2013

Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013

Returned from the House of Representatives

Messages received from the House of Representatives agreeing to the amendments made by the Senate to the bills.

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

Rural Research and Development Legislation Amendment Bill 2013

Primary Industries (Customs) Charges Amendment Bill 2013

Primary Industries (Excise) Levies Amendment Bill 2013

Homelessness Bill 2013

Homelessness (Consequential Amendments) Bill 2013

Intellectual Property Laws Amendment Bill 2013

First Reading

Bills received from the House of Representatives.

Senator LUNDA (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:14): I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator LUNDA (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:14): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

GRAPE AND WINE LEGISLATION AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013

The Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013 creates the Australian Grape and Wine Authority. The new Authority will commence its operations on 1 July 2014. It will take the roles and functions of the Grape and Wine Research and Development Corporation and the Wine Australia Corporation.

This is a reform that has been raised and discussed a number of times over the last twenty years, and it is with great pleasure that I introduce this Bill to make the reform a reality.

The government agreed to merge the two wine statutory corporations following an industry proposal from the Winemakers' Federation of Australia and Wine Grape Growers Australia.

The proposed merger is widely supported by industry. A single wine industry statutory authority will support the industry by providing links between the investment initiatives and functions of the Grape and Wine Research and Development Corporation and the Wine Australia
Corporation. The merger will provide further benefits through improving administrative efficiency and service delivery to the industry.

The merger aligns with the Australian Government’s 2012 Rural Research and Development Policy Statement. In particular, the statement noted that combining research and development and marketing functions in one organisation can lead to administrative savings as well as synergies.

On 19 June 2013 the government introduced the Rural Research and Development Legislation Amendment Bill 2013 to implement the Policy Statement. Once this Bill has been considered by parliament the government will amend the Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill to ensure consistency between the two pieces of legislation.

The merger of the two statutory authorities is in also accordance with a broader policy goal to reduce the number of government statutory corporations.

This Bill proposes amendments to the Wine Australia Corporation Act 1980 to establish the new authority and renaming the Act as the Australian Grape and Wine Authority Act 2013.

Although the Bill amends the existing Wine Australia Act, these amendments are significant and the merger is not a takeover of the Grape and Wine Research and Development Corporation by Wine Australia. This is a strategic merger of the two statutory corporations.

This Bill is divided into two schedules.

Schedule 1 amends the Wine Australia Act to create the Authority.

Schedule 2 covers matters arising from the transition from two statutory corporations to the Authority. It covers matters such as the transfer of staff to the Authority.

Schedule 1 is divided into two parts.

Part 1 of Schedule 1 commences on the day after Royal Assent. This part amends the Wine Australia Corporation Act 1980 to establish a selection committee to select and nominate to the Minister for Agriculture, Fisheries and Forestry possible members of the board of the Authority. The Bill gives the Minister for Agriculture, Fisheries and Forestry an alternative option of appointing a first board of the Authority for a 12 month period without reference to the selection committee.

Part 2 of Schedule 1 commences on 1 July 2014. This part provides amendments to the Freedom of Information Act 1982 and the Wine Australia Corporation Act 1980. This Part establishes the Authority and provides the governance framework for its operation.

Schedule 1 provides the research and development functions, including provisions for the Commonwealth to match research and development levy funding dollar-for-dollar.

The Authority will be required to spend research and development levy money and government matching funds on research and development activity. Industry has highlighted the importance of this issue for the new Authority. It is also important to the government to ensure that Australian government money appropriated for research and development is used for this purpose.

The Bill does not include any changes to the structure or the amounts of the levies that currently fund both statutory corporations, or to the existing regulatory, marketing and compliance roles of the Wine Australia Corporation.

The Bill transfers definitions of research and development from the Primary Industries and Energy Research and Development Act 1981.

It establishes an Authority with a skills-based board of five to seven directors selected and nominated by a statutory selection committee and appointed by the Minister.

The board is led by a Chair appointed by the Minister following consultation with industry.

The Authority is required to prepare a five-year Corporate Plan to outline the Authority's strategies, policies and priorities to achieve the objectives.

The Authority is also required to prepare an annual operation plan but this plan unlike those of the two statutory corporations, is not required to have the Minister approval.

Schedule 2 provides for the transition of the Grape and Wine Research and Development
Corporation and Wine Australia to the Authority, including that the operations, assets, liabilities and staffing conditions are transferred to the Authority.

Of particular note is that Schedule 2 provides that the Minister may engage consultants to assist with preparations for establishing the Authority, and preparations to appoint a chief executive for the Authority.

The Bill allows the Minister for Agriculture, Fisheries and Forestry to appoint the first board after Royal Assent. The board will commence on 1 July 2014. Between the date of appointment and 1 July 2014, the Minister can engage the future board directors as consultants to prepare for the Authority's commencement and to assist it in becoming fully operational on 1 July 2014.

Before 1 July 2014 the future directors, in their role as consultants, could not make decisions that would bind the Authority. However, it can be expected that any recommendations they make would be ratified by the board at its first meeting.

The costs of the consultants will be met by the Commonwealth through the Department of Agriculture, Fisheries and Forestry. Once the Authority commences any and all Commonwealth funding provided for the purpose for engaging consultants will be refunded by the Authority.

As the consultants are the future board directors acting in the interests of the Authority, it is reasonable for the Authority to reimburse the Commonwealth for the costs of the consultants.

The Bill ensures that all employees of the Grape and Wine Research and Development Corporation and Wine Australia are transferred to the Australian Grape and Wine Authority along with all employee entitlements.

The Bill also provides for a number of amendments to be made to outdated sections of the Wine Australia Corporation Act 1980 and also introduces modernised language to bring it up date with current terms.

The wine industry has a unique regulatory structure with the Wine Australia Corporation enforcing the Label Integrity Program, licensing exporters and maintaining Australia's wine geographical indications system. These important roles are not affected by the merger.

The Australian Grape and Wine Authority will therefore have a strong focus on controlling exports and developing domestic and international markets for Australian grape products, along with investigating, coordinating and funding grape and wine research and development. The Authority will be responsible report on these to the Parliament or Minister and representative organisations.


If these amendments are passed, this Bill will be amended to ensure consistency with the new legislation before being reintroduced following the election.

The merger of the wine industry statutory corporations is being undertaken at the request of industry and continues to have the support of industry. This is a reform that will help the industry to function better, it will improve linkages between marketing and research and development and achieves these benefits at no additional cost to winemakers and grape growers.

Two companion bills are being introduced alongside this Bill proposing minor amendments to the Primary Industries (Excise) Levies Act 1999 and the Primary Industries (Customs) Charges Act 1999 to enable levies collected to be paid to the new Authority.

I commend the Bill to the Senate.

PRIMARY INDUSTRIES (CUSTOMS) CHARGES AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013

The Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013 is a companion Bill to the Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013.

The companion Bill provides consequential amendments to replace references to the Wine Australia Corporation in the Primary Industries (Customs) Charges Act 1999 with 'Australian Grape and Wine Authority' to reflect the

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Australian Grape and Wine Authority Act 2013 that will govern the new authority.

The change will allow for levies collected to be paid to the Australian Grape and Wine Authority.

The Bill also repeals clauses that provided for Wine Australia, following an annual general meeting, to make recommendations to the Minister about the levy rate. The Australian Government has a process for consulting with industry about levy rates that provides for consultation, a vote of industry and an objections process. The Bill provides that the process for changing wine industry levies is consistent with other industries.

**PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (AUSTRALIAN GRAPE AND WINE AUTHORITY) BILL 2013**

The Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013 is a companion Bill to the Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013.

The companion Bill provides consequential amendments to replace references to the Wine Australia Corporation in the Primary Industries (Excise) Levies Act 1999 with 'Australian Grape and Wine Authority' to reflect the Australian Grape and Wine Authority Act 2013 that will govern the new authority.

The change will allow for levies collected to be paid to the Australian Grape and Wine Authority.

The Bill also repeals clauses that provided for Wine Australia, following an annual general meeting, to make recommendations to the Minister about the levy rate. The Australian Government has a process for consulting with industry about levy rates that provides for consultation, a vote of industry and an objections process. The Bill provides that the process for changing wine industry levies is consistent with other industries.

**RURAL RESEARCH AND DEVELOPMENT LEGISLATION AMENDMENT BILL 2013**

Since Federation, industry and government have worked in partnership to support the productivity of rural industries and improve the reputation of Australian exports abroad. Government support developed in an ad hoc manner until, in 1989, John Kerin and the Hawke Government had the foresight to establish the research and development corporation model. The research and development corporations, or 'RDCs', were established under the Primary Industries and Energy Research and Development Act 1989 (the Act). For 24 years, our investment in the RDCs has boosted the productivity and sustainability of rural industries. This bill will make improvements to the existing RDC model and ensure it remains responsive and adapted to our needs.

There are 15 RDCs providing services to a diverse range of rural industries. RDCs provide the mechanism for industry to invest collectively in research, development and extension. Government assists by establishing and collecting a levy if an industry requests this. After recovering costs, the government returns levy funds to the relevant RDC. To encourage this investment, the government matches the RDC’s eligible research and development (R&D) spending up to legislated limits. In the next financial year almost $250 million will be invested by the government in rural innovation in this way. Our collaborative model is unique, viewed with envy overseas and benefits all Australians by encouraging profitable and sustainable rural industries.

There are many challenges facing our rural industries. These include climate change, the vagaries of the global economy and increasing populations to feed. There are also opportunities such as increasing exports of Australian agricultural products, particularly to Asia. To ensure our own food security, economic stability and the health of our agricultural resources, the RDC model needs to be updated in line with our changing needs.

Our rural research and development model has proven results, with Australian rural productivity increasing at more than double the rate of other Australian industries over recent decades. The high level of industry engagement and the strong support the RDC model enjoys from all sectors make it unique among research funding models around the world. Research, development and
extension have a vital role in preparing Australian rural industries for the future challenges and opportunities we face together.

In 2011, the Productivity Commission and the Rural Research and Development Council reviewed the rural research, development and extension system in Australia. Consultation meetings around Australia were held with all interested stakeholders. The ideas and issues raised by stakeholders fed into the government’s response: the Rural Research and Development Policy Statement. Ultimately both the Productivity Commission and the Council acknowledged the strong foundations of the existing system. Both recommended improvements to the system.

The bill and its companion bills, the Primary Industries (Excise) Levies Amendment Bill 2013 and the Primary Industries (Customs) Charges Amendment Bill 2013, implement the commitments made in the policy statement that require legislative change. They will commence concurrently.

Marketing activities
Of the 15 RDCs, 9 are industry-owned companies and can already carry out marketing for the benefit of their industry. This bill will give the statutory RDCs the same ability to undertake marketing, if the relevant industry proposes a marketing levy and the government agrees to collect it. Government matching funding will not be used for marketing, only for research, development and extension services.

There is great enthusiasm for allowing statutory RDCs to undertake marketing. The prawn industry has already started down the path of establishing a marketing levy. We have well established processes to guide industries through the consensus-building process for a levy proposal.

Permitting statutory RDCs to undertake collective marketing will allow industry to educate consumers about the safety and nutritional value of Australian products, the origin of our food and fibre, and the ecological sustainability of our resources.

Matching of voluntary contributions
Primary industries understand that our R&D model is unique and generates benefits far exceeding its cost. This model creates a healthy return on a modest investment. As a result, some businesses in the rural sector are willing, and are able, to make additional voluntary payments to conduct R&D.

The bill will encourage voluntary contributions by making arrangements for the contributions to be matched by government. Currently some RDCs can receive this matching funding and the bill will extend access to matching funding for voluntary contributions to all RDCs. Overall matching funding will continue to be limited by a cap based on each industry's gross value of production. However, RDCs may be able to maximise the R&D they fund by strategically using voluntary contributions to top up R&D spending. Voluntary contributions also allow supply chain partners to work with an industry on issues of joint interest.

Funding agreements
Over the last 10 years, funding agreements between the government and industry-owned RDCs have been used to manage governance and performance matters. This bill extends funding agreements to the government relationship with statutory RDCs. Funding agreements will create a flexible mechanism, which can be more readily modified to reflect the changing needs of the parties.

Funding agreements will be used to promote transparency and accountability. The agreements will be tabled in Parliament and contain requirements relating to corporate governance and performance. These agreements will also allow government to provide guidance to RDCs regarding the research priorities and needs of the broader Australian community. The bill allows until 1 July 2014 for the statutory RDCs and government to enter into funding agreements.

Appointment process for statutory RDC board directors
Current procedures for appointing directors to statutory RDC boards have proved expensive and time-consuming, diverting scarce resources away from statutory RDCs' core functions – providing
R&D for their industries. Amendments in the bill will streamline the selection process. Selection committees will be limited to five members and the committee will be established for up to three years to cut the expense of establishing a committee for each selection process. A 'reserve list' will be created that can be used to fill unplanned board vacancies for 12 months. If a candidate with the necessary skills is not available from the list, the process must begin again.

The presiding member must have regard to equity and diversity when recommending members to the selection committee of a statutory RDC. Similarly, the selection committee must do the same when recommending candidates for the board of a statutory RDC. Diversity of skills and background can broaden and enhance the board's skill base to ensure an effective statutory RDC board.

**Fisheries research and development**

The Fisheries RDC receives most of its funding through the Commonwealth, state and territory governments. The farmed prawn industry is the only individual fishery with a statutory R&D levy.

The bill creates a new class of fisheries R&D levy that can be matched by the government without having to form part of jurisdiction's contribution. The amendments will permit new, individual fishery-sector levies to be collected and matching public funding provided up to a cap specific to that fisheries sector.

Each separately levied fishery will be subject to existing eligibility rules for matching funding. In effect, the fisheries sectors which so choose, will be able to invest in specific R&D and marketing by proposing a levy for that purpose.

**Minor amendments**

To reduce unnecessary red tape, this bill provides that statutory RDCs will no longer have to seek Ministerial approval for their annual operating plans. This has become an avoidable burden for both RDCs and the government. Ministerial oversight will focus on strategy rather than day-to-day management. Annual operating plans will be required, but ministerial approval will not.

Minor amendments will remove redundant parts of the legislation. For example, energy is no longer part of the agriculture, fisheries and forestry portfolio, so all references to 'energy' will be removed from the Act. References in the Act to R&D Councils and Funds are obsolete and will be removed, making the Act easier to understand and administer.

Other minor amendments encourage consistent treatment of RDCs, including standardising requirements to comply with Ministerial directions and standardising delegation powers. 'Scientific and technical capacity building' will be added to the objects of the Act.

**Conclusion**

The changes in this bill will make RDCs more flexible and responsive to deal with the new realities they face. The governance processes for RDCs will be streamlined, promoting certainty and consistency for levy-payers and other stakeholders. We will retain a strong focus on transparency, accountability and effectiveness.

**PRIMARY INDUSTRIES (CUSTOMS)**

**CHARGES AMENDMENT BILL 2013**

This bill is part of a package of bills, referred to in the previous second reading speech, to commence concurrently with the Rural Research and Development Legislation Amendment Bill 2013 and the Primary Industries (Excise) Levies Amendment Bill 2013.

This bill removes maximum research, development and marketing charge rates from the Primary Industries (Customs) Charges Act 1999 (the Act). The bill provides that charge rates set by regulations must be the subject of a recommendation from relevant industry bodies, who must consult with charge payers. The bill provides that the regulations will not be able to set a charge rate higher than the highest rate recommended by industry. This will safeguard against arbitrary charge increases.

**PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT BILL 2013**

This bill is part of a package of bills streamlining rural research and development legislation to ensure it remains responsive and adapted to industry and national needs. It will commence concurrently with the other bills in
that package, the Rural Research and Development Legislation Amendment Bill 2013 and the Primary Industries (Customs) Charges Amendment Bill 2013.

The Australian agriculture, fisheries and forestry industries have asked government to impose levies to collaboratively fund essential industry services. These include research and development (R&D), extension and in some cases marketing, through the 15 research and development corporations (RDCs).

This bill removes maximum research, development and marketing levy rates from the Primary Industries (Excise) Levies Act 1999 (the Act). The bill provides that levy rates set by regulations must be the subject of a recommendation from relevant industry bodies, who must consult with levy payers. The bill provides that the regulations will not be able to set a levy rate higher than the highest rate recommended by industry. This will safeguard against arbitrary levy increases.

Proposals for levy increases can occur in response to market changes or seasonal conditions. If an industry wishes to increase its levy rate above the legislated maximum, it is currently a time consuming and costly process. This will often result in levy increases taking effect much later than is desirable, given the circumstances to which they respond. Eliminating the need to amend the Act will streamline this process, reducing the time between a rate increase proposal and the change coming into effect.

The removal of maximum levy rates was recommended by the Productivity Commission following a review of the RDC model. Industry stakeholders and the RDCs were consulted on the changes during and after the review. There is broad support for the removal of maximum rates.

New consultation requirements in the bill provide greater detail and consistency regarding who must be consulted when setting rates, and how to consult levy-payers if there is no declared representative body.

**Conclusion**

This bill encourages primary industries to control their investment in R&D, extension and marketing. The levy setting process will be easier and more responsive to industry needs. Robust consultation and consensus requirements ensure that levy setting remains industry’s responsibility.

**HOMELESSNESS BILL 2013**

This Bill is aimed at increasing recognition and awareness of people who are homeless or at risk of homelessness.

It is not acceptable in Australia, a relatively wealthy country, that so many Australians are homeless.

A home is the foundation on which a person builds their life. Without stable homes, people struggle to live healthily, stay in training or education, and find and keep jobs.

This Labor Government has made homelessness a national priority. Our White Paper, The Road Home, outlines how we intend to reduce homelessness – through a program that will require sustained effort by governments, business and the broader community.

We have set clear targets – to halve the rate of homelessness by 2020, and to provide supported accommodation for all rough sleepers who seek it.

These targets will be achieved through a significant boost in spending, new agreements with the states and territories, and an overhaul of the existing legislative framework.

Already, we have seen progress, including through early intervention to prevent homelessness.

The community-based early intervention service, Reconnect, has helped more than 67,000 young people to get back with their families and into school or training.

The Household Organisation Management Expenses Advice Program has given advice and assistance to many families – struggling with rent and mortgage payments during times of personal or financial crisis – helping them to stay off the streets.

We have seen our Personal Helpers and Mentors Program prevent people with mental illness from becoming homeless – by giving them support to build social networks, gain employment, and learn to manage their illness and live independently.
We have moved towards integrating mainstream and specialist homelessness services by improving the responses from 'first-to-know' agencies and providers – such as Headspace, working with young people with mental health issues, and Job Services Australia, providing tailored assistance to homeless job seekers.

These are just some of the ongoing practical initiatives that will help break the cycle of homelessness for vulnerable people.

The homelessness legislative framework was the subject of a comprehensive inquiry during 2009 by the House of Representatives Standing Committee on Family, Community, Housing and Youth. The committee's report, Housing the Homeless, has been vital in shaping this Bill introduced today.

With the exception of a legislative right to housing, which is outside current Government policy and, in practice, would be significantly dependent on the actions of the states and territories (which are responsible for housing), the Committee's recommendations have been incorporated into this Bill to the best extent possible.

This Bill complements a broader reform process to reduce homelessness, incorporating substantial co-investment with states and territories to expand and implement a range of practical measures to support, and improve outcomes for, Australians facing homelessness. The Bill underpins the need to sustain this effort into the future.

The Bill draws national attention to the experience of homelessness, and voices the aspiration that all Australians have access to appropriate, affordable, safe and sustainable housing. This is in line with the objective expressed within the National Affordable Housing Agreement between the Commonwealth, states and territories, and local government.

The Bill acknowledges the direct relationship between addressing homelessness and social inclusion. It sets out a range of service delivery principles to which the Commonwealth is committed, and the strategies we see as necessary to reduce homelessness.

The Bill also confirms the Commonwealth's commitment to cooperation and consultation in reducing homelessness, and promotes the human rights of people facing homelessness.

This legislation that is introduced today has been strengthened through a two month public exposure period in mid-2012 – and we express our gratitude to those many people who lodged written submissions on the exposure draft of the Bill.

All suggestions made have been carefully considered, and the Bill has been refined as a result. In particular, the definition of homelessness has been improved in light of comments from stakeholders.

We have now clarified that people staying in crisis accommodation (such as a refuge or shelter) cannot be ruled out of the definition through any concept of 'choice' – we know all too well that people do not choose homelessness by living in crisis accommodation.

The definition of homelessness now also recognises that safety must be recognised as a vital element in a person's living circumstances. Some people may be homeless because they have no safe place to live, even if they have a usual address. For example, a person who is living temporarily with friends or relatives and cannot return home safely because of domestic violence will now be recognised by the legislation as experiencing homelessness. This preserves an element of the previous legislative definition particularly valued by stakeholders.

Stakeholder feedback has also been reflected in the bill in important matters such as the range of factors recognised as contributing to homelessness, and in the Commonwealth's aspiration for all Australians to have access to appropriate, affordable, safe and sustainable housing.

This new legislation will replace the Supported Accommodation Assistance Act 1994, which set out important principles and guided the Commonwealth's response to homelessness in Australia for many years.

That Act recognised people who are homeless as one of the most powerless and marginalised groups in society. It made clear the Parliament's
view that support should be provided in a way that respects people's dignity as individuals, enhances their self-esteem, is sensitive to their social and economic circumstances, and respects their cultural backgrounds and beliefs.

The new legislation preserves the best features of the 1994 Act. The Homelessness Bill 2013 gives us the opportunity to retain in law the important statements about homelessness, the partnerships, effort and strategies that are needed to tackle it, and the treatment and support that vulnerable Australians deserve.

The 1994 Act was primarily a vehicle for providing funding to states and territories to administer the Supported Accommodation Assistance Program. However, new arrangements were introduced in 2009 under the federal financial relations framework, superseding the funding mechanism under the 1994 Act.

This current funding framework for Commonwealth, state and territory efforts to reduce homelessness – with funding provided through Commonwealth state mechanisms such as the National Partnership on Homelessness and the National Affordable Housing Specific Purpose Payment – will continue. That funding framework is the vehicle for the practical steps Australia is taking in support of its international obligation to realise progressively the right to adequate housing.

This Bill is therefore complementary to the comprehensive funding arrangements already in place, and is not a funding instrument in itself. The Gillard Government continues to work with states and territories on the best possible funding outcomes under the existing framework and the substantial measures that flow from it.

Similarly, the Bill is just one part of a bigger policy program of support to people who are homeless or at risk of it.

The issue of service quality is being pursued by working with states and territories to develop a non-legislative Homelessness National Quality Framework. This framework is being developed with the benefit of consultations and workshop sessions with service providers and stakeholders and individual interviews with homeless people.

The framework will be the primary strategy for the White Paper goal of ensuring quality services.

The Australian Government has committed around $5 billion in new funding since 2008 to provide support services and programs to help people who are homeless or at risk.

Under the National Partnership Agreement on Homelessness, the Australian Government, together with the states and territories, has committed $1.1 billion to provide new and better integrated accommodation and support services. The agreement is delivering over 180 new or expanded services across the country to tackle homelessness, as well as 600 homes under the A Place to Call Home initiative.

Increasingly, we are in a position to assess progress against the homelessness targets – using tools such as robust census data from the Australian Bureau of Statistics and information collected by the Australian Institute of Health and Welfare.

These data will be supplemented by the first national longitudinal study of homelessness in Australia, Journeys Home, and research supported by our $11 million investment on the Homelessness Research Agenda to help drive the development and implementation of evidence-based policy – looking at matters including the experiences and needs of particular vulnerable groups such as families, children and victims of domestic violence, the effectiveness of homelessness programs, and how to end rough sleeping in cities around the country.

The Australian Government remains committed to improving outcomes for people experiencing or at risk of homelessness. Ensuring that people receive high quality services and get every chance to move out of homelessness, or avoid it altogether, is key to the Government's policy agenda in this area.

The welfare and safety of our fellow Australians matter a great deal. There can be no more worthy cause than doing all that we can to help reduce homelessness, and this Bill is a clear statement of our commitment and values in this vital policy agenda.
HOMELESSNESS (CONSEQUENTIAL AMENDMENTS) BILL 2013

This is a companion Bill to the Homelessness Bill 2013, which is aimed at increasing recognition and awareness of people who are homeless or at risk of homelessness.

The Homelessness Bill draws national attention to the experience of homelessness, and records the principles underpinning the Commonwealth's effort to address homelessness.

The new legislation will replace the Supported Accommodation Assistance Act 1994.

This Consequential Amendments Bill repeals the Supported Accommodation Assistance Act to make way for the new legislation.

A consequential amendment is also made to the Commonwealth Electoral Act 1918. This is to replace the definition of homeless person that applies in the provisions about including itinerant electors in the Electoral Rolls.

A person in Australia, who is not entitled to be enrolled in any electoral subdivision because he or she does not live in any subdivision or is a homeless person, may nevertheless apply for enrolment and be enrolled in a suitable subdivision. The inclusion of these provisions in 2010 supported a commitment in the Australian Government's White Paper on homelessness, The Road Home, to increase civic participation and voting by people experiencing homelessness.

At present, the definition of homeless person partly relies on concepts drawn from the Supported Accommodation Assistance Act. That element of the definition needs to be removed because of the repeal of that Act.

The new definition of homeless person will ensure that these provisions will continue to apply simply and clearly so that people who are homeless can still effectively participate in electoral activities in the Australian community.

INTELLECTUAL PROPERTY LAWS AMENDMENT BILL 2013

The key to our intellectual property system is striking the right balance between encouraging innovation and providing equitable access to new technologies.

A well-balanced IP system advances the interests of Australian innovators, by lowering business costs and by making it easier to access export markets.

It also allows Australians to provide assistance to developing countries when it is needed most.

And to ensure that the balance is maintained, it is a system that has safeguards to ensure that intellectual property rights cannot be used to unduly restrict the community's access to new technologies.

The Intellectual Property Laws Amendment Bill 2013 contains a package of measures that will make the Australian IP system more responsive to the needs of consumers, more efficient for Australian entrepreneurs, and more supportive of other countries facing health emergencies.

The bill amends the Patents, Trade Marks, Designs and Plant Breeder's Rights Acts through a number of Schedules, to which I turn now.

Schedule 1 – Crown use

Crown use is an important, but rarely used, safeguard that allows governments to access patented inventions without the consent of the owner.

It is necessary for a government to have the power to be able to make use of patented inventions to serve the interests of the community.

Similarly, a patent holder should not be able to indefinitely frustrate the needs of the community, for example, by denying access to an important health technology.

This bill will amend the Patents Act to clarify the scope of Crown use and its operation.

It adopts recommendations of the Productivity Commission Inquiry Report into Compulsory Licensing of Patents, which found there was uncertainty around the scope of current Crown use provisions, particularly in the context of healthcare.

The review was one element of the Government's strategy to monitor the impact of gene patents in the community, and to make sure that such patents do not lead to Australians being
denied reasonable access to essential healthcare technologies.

Let me now mention the main changes.

Schedule 1 to the bill makes it clear that Crown use can be exercised when any Australian, State or Territory government has the primary responsibility for providing or funding the provision of a service.

This allows governments to authorise private service providers to use an invention in areas where governments have primary responsibility, such as health.

It strengthens governments’ capacity to use this safeguard to address unreasonable patent holder conduct.

If the Government deems it necessary and appropriate to intervene to address unreasonable patent holder conduct that could result in patients being denied reasonable access to healthcare, it would be willing to invoke these refined Crown use provisions.

The bill also introduces a number of measures to improve transparency and accountability in the exercise of Crown use.

First, it will require government agencies to attempt to negotiate with the patent owner before invoking Crown use.

Second, it will address current ambiguity around which bodies are considered to be the Crown for the purposes of the provisions. This lack of clarity may limit the use of the current provisions, or result in the provisions being inappropriately used. The bill introduces Ministerial oversight to ensure that Crown use is being appropriately exercised.

Third, it will require the Government to give patent owners the reasons for any decision to invoke Crown use.

In an emergency, such as a pandemic, the requirements for prior negotiation and a statement of reasons before use are waived to enable a timely Government response.

Under the current provisions there is no basis for determining the remuneration to be paid to affected patent holders when Crown use is invoked. Lastly, the bill will introduce a benchmark to reassure patent owners that they will receive a fair price for the use of a patent.

The bill provides important balance – for industry in protecting patents, while enhancing the Government’s ability to ensure that the community’s access to technology is not restricted.

Crown use will remain an important safeguard to address exceptional circumstances. However, these amendments will ensure that there is clarity and accountability in its scope and operation.

Schedules 2 and 3—TRIPS Protocol interim waiver and TRIPS Protocol: later commencing amendments

The next two Schedules will enable Australian laboratories to manufacture generic versions of patented medicines under specific conditions and export these medicines to address health crises in developing countries.

Developing countries face enormous medical challenges. They are often unable to manufacture essential medicines themselves and cannot afford to purchase them through normal commercial means.

The United Nations estimated that in 2010 approximately 260 million people were infected with malaria, HIV/AIDS or tuberculosis, resulting in 3.6 million deaths that year.

Australians expect that the IP system will enable them to provide assistance where it is needed in the world and the Gillard Government is responding.

The bill delivers on the Government’s commitment to the Protocol amending the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Protocol.

The changes proposed by the bill enable manufacturers of generic pharmaceuticals to apply to the Federal Court for a compulsory licence to make and export a patented pharmaceutical product.

The Federal Court will have the power to grant compulsory licences, set conditions of use and amend the quantity of medicines required in the event that a health problem intensifies.
Patent holders will receive adequate compensation to ensure that they are not disadvantaged by the arrangements.

The proposed scheme is open to all developing countries provided they meet specified criteria. The scheme is designed to be as easy to use as possible, while complying with Australia's treaty obligations.

**Schedule 4 – Plant Breeder's Rights Act 1994: Federal Circuit Court**

Schedule 4 to the bill will make amendments to the Plant Breeder's Rights Act to extend the jurisdiction of the Federal Circuit Court, formerly known as the Federal Magistrates Court, to include plant breeder's rights.

At present, civil proceedings under the Plant Breeder's Rights Act may only be commenced in the Federal Court and are appealable to the High Court. This can be a very expensive path.

This amendment will deliver on a Government commitment to provide rights holders with the option of a more speedy, cost-effective and less formal alternative for considering less complex plant breeder's rights matters.

**Schedule 5 – Australia New Zealand Single Economic Market**

Schedule 5 to the bill allows for a single trans-Tasman patent attorney regime and single patent application and examination processes for Australia and New Zealand. These are part of a suite of intellectual property initiatives proposed under the trans-Tasman Single Economic Market agenda, and complementary New Zealand legislation is expected to be enacted in due course.

Currently, most patent applications filed in New Zealand are also filed in Australia, but subject to separate examination processes in each country.

Under the single examination model, patent applications for the same invention will be examined by a single examiner in either country. The regime will take account of the separate national laws and will lead to two separate patents for Australia and New Zealand.

A single patent application process will remove duplication, drive efficiencies and reduce costs, making it easier for businesses to protect their intellectual property in both countries.

The change will be good for Australian innovators and exporters, and avoiding a second examination process could save applicants hundreds or even thousands of dollars in professional advice costs.

I understand that this is the first time that two countries have agreed to operate in this way anywhere in the world.

The bill will also facilitate a single trans-Tasman regulatory framework for patent attorneys across Australia and New Zealand.

The Australian Government has worked closely with New Zealand to establish a new framework that will include a single trans-Tasman register of patent attorneys, common qualifications for registration, a single Trans-Tasman IP Attorneys Board and a single Trans-Tasman IP Attorneys Disciplinary Tribunal.

This is a logical and sensible step as the majority of Australian and New Zealand patent attorneys are registered in both countries. A single regulatory body will provide economies of scale, saving time, money and effort for the profession as a whole.

Standardised accreditation for patent attorneys will also give inventors confidence that they are receiving the same high quality, informed advice on both sides of the Tasman.

Removing barriers for patent attorneys and encouraging competition are key elements for productivity, innovation and industry growth for both countries.

I understand that this is the first time that a profession will be jointly regulated across the Tasman in this way. This is a small but significant step forward for our economic relationship with an important trading partner.

These amendments will accelerate and strengthen trans-Tasman regulatory integration as part of the broader Single Economic Market agenda and build on our long term commitment to create a seamless trans-Tasman business environment.

I thank the New Zealand Government for its support in this endeavour.
Schedule 6 (Part 1) – Document disposal

Finally, Schedule 6 deals with two minor matters. Part 1 makes minor administrative changes to the Patents, Trade Marks and the Designs Acts to repeal unnecessary document retention provisions.

The retention and disposal of these documents is already comprehensively governed by the Archives Act 1983 and the records disposal authorities issued by the National Archives of Australia and the amendments will reduce government expense in maintaining warehouse facilities for documents that are no longer required.

Schedule 6 (Part 2) – Technical amendments

Part 2 of Schedule 6 makes a number of technical amendments to the Patents Act to address minor oversights in the drafting of the Intellectual Property Laws Amendment (Raising the Bar) Act 2012. The Raising the Bar Act introduced a wide range of IP reforms designed to help Australian businesses and researchers.

Conclusion

In all, this bill represents an important package of improvements to Australia's intellectual property system.

It offers practical help for global health emergencies, advances our commitment to achieve a streamlined business environment between Australia and New Zealand, and clarifies and improves the transparency of an important patent safeguard.

Senator Lundy: I move:

That the debate on the Intellectual Property Laws Amendment Bill 2013, the Homelessness Bill 2013 and the Homelessness Bill (Consequential Amendments) Bill 2013 be now adjourned.

Question agreed to.

Ordered that further consideration of the second reading of the remaining bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Senator Ian Macdonald: Mr President, so that the rest of us might know, can the Leader of the Government in the Senate tell us when the next sitting will be?

The President: That is not a point of order.

Ordered that the following bills be listed on the Notice Paper as three separate orders of the day and the remaining bill be listed as a separate order of the day:

1. Grape and Wine Legislation Amendment (Australian Grape and Wine Authority) Bill 2013, Primary Industries (Customs) Charges Amendment (Australian Grape and Wine Authority) Bill 2013 and Primary Industries (Excise) Levies Amendment (Australian Grape and Wine Authority) Bill 2013

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

3. Homelessness Bill 2013 and Homelessness (Consequential Amendments) Bill 2013

Superannuation Legislation Amendment (Service Providers and Other Governance Measures) Bill 2013

Social Security Legislation Amendment (Disaster Recovery Allowance) Bill 2013

Water Efficiency Labelling and Standards (Registration Fees) Bill 2013

Water Efficiency Labelling and Standards Amendment (Registration Fees) Bill 2013

Customs Tariff Amendment (Incorporation of Proposals) Bill 2013
Indigenous Education (Targeted Assistance) Amendment Bill 2013

Assent

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

ADJOURNMENT

Senator WONG (South Australia—Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:14): I move:

That the Senate, at its rising, adjourn till Tuesday, 20 August 2013, 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 WONG (South Australia—Leader of the Government in the Senate and Minister for Finance and Deregulation) (15:17): 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.

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

Leave granted.

Senator WONG: I want to make some brief comments in the time remaining. Senator Abetz has a plane to catch, and I have promised him that he will catch it. If we are going to be on the other side of the table from each other, then I had probably better deliver on that deal. We have had a number of valedictories and I do not propose to re-traverse the very lengthy, humorous and, at times, heartfelt contributions, but I do want to acknowledge Senator Crossin, Senator Humphries and Senator Joyce.

Senator Crossin was in the Senate when I first arrived. She was a progressive woman and I looked to her for advice and some mentoring. I really appreciate what she has done for me in that regard. I also know her enormous contribution and knowledge when it comes to Indigenous affairs. Senator Humphries's sometimes quiet manner belied the rapier-like nature of his questioning. He was a worthy opponent, and I wish him well. Senator Joyce and I have had one of the more interesting relationships in this place, and I have to say that it is with mixed views that I regard his leaving the chamber. I wish him all the very best.

With the Senate's indulgence, I will make a couple of very brief comments about Senator Conroy and Senator Ludwig. As I said before, Senator Conroy is a man of great Labor heart and a very worthy leader of the government in the Senate, and I wish him well. I am pleased that he is continuing to serve. Senator Ludwig is a friend who has always been fantastic. He is someone who has given me great advice. He is a very honourable man, and I acknowledge his service on the frontbench.

On behalf of all senators, given that we are going into a really lengthy rise, I just acknowledge the contribution of all senators, the clerks and all Senate staff and in particular recognise Senator McEwen and Senator Jacinta Collins for their contribution from the government side. Thank you.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (15:20): by leave—Relying on the tweet from Senator Farrell, I am assuming that we are not returning and, on that basis, that we are seeing the end of the 43rd Parliament. I agree with and concur with Senator Wong's comments—other than that I confess I never
did seek Senator Crossin's advice on matters, but I found her to be a very worthy senator and opponent and wish her, on behalf of the coalition, all the best for the future.

Can I do the same for my colleague Senator Gary Humphries, who in fact on this occasion is sitting on the front bench. I have no doubt that, if his career had not been curtailed, he would have been sitting on the front bench in due course. To you, Senator Humphries, all the very best.

To Senator Joyce: all the very best with the seat of New England. We wish you well and trust that the people of New England reward your gutsiness in making the move in circumstances where it was anything but certain.

I conclude my remarks by saying a very sincere and heartfelt thanks to all our spouses, significant others and children who put up with this mad life and allow us to serve in the way that we do

I thank colleagues for their support and especially Senator Brandis, Senator Mitch Fifield, Senator Michaelia Cash, Senator Helen Kroger and the other whips—and also, if I might say so, the managers and whips on the other side—for making this place work.

I thank the Clerk, the Senate staff and the Comcar drivers for the wonderful job they do in supporting us. Can I finish by thanking the parliamentary chaplain, who prays for all of us whether we like it or not. His support around the traps is very much appreciated. I thank the Senate.

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (15:22): Mr President, I have never had to say so many goodbyes when my full intention is to come back, but, at the end of the 43rd Parliament, I would like to thank you, first and foremost, for the extremely dignified way that you have held the chair. I would like to thank the attendants. I would like to thank government members. I would like to thank those who we do not see but who have so much to do with this place. I would especially like to thank the carpenter who knocked me up a rather neat little statue downstairs.

First and foremost, to every person who is driving and spending the period away: I hope you drive safely. If it is the case, and it seems to be the case, that the next time we see each other is engaged in the field of a political battle, I hope that we can all engage in that battle in such a way that we do the very best in representing our philosophical, personal and political views but leave that engagement in such a way that we can still call on other people as our colleagues and possibly even our friends.

To Senator Crossin: I wish you all the very best for your future. I know that your dedication to this chamber has been exemplary and you will go on to do other things. I am sure that this is merely a corner in the road, not the end of the road, for you.

For Senator Humphries likewise. It is only you and Senator Ursula Stephens, I think, who have the unusual quality that I cannot think of anything you have ever done that has been bad. I do not think you have ever played up. In fact, I think you are quite boring! No, the way you have conducted yourself has been an absolute credit to you through your parliamentary career, and you are something that other people should guide themselves by.

To all the rest: God bless.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:24): Mr President, I just rise briefly to acknowledge that this is the last day of the 43rd Parliament. It has been an extraordinary parliament in terms of the contribution that it has made to the life of the nation. There have been some highly significant reforms during this period of minority government in
Australia, the most significant of which include the clean energy package, the dental care legislation, the Gonski education reforms and the National Disability Insurance Scheme. When people look back on this period of parliament they will recognise the significance of what was achieved.

I extend all the very best wishes for all of those who are leaving the Senate at this particular time. I hope that you have a period in which you can enjoy a life without the day-to-day stresses that those of us in political life withstand. I wish you all the very best into the future.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (15:25): by leave—I move:

That Senator Boswell be granted leave of absence for today, 28 June 2013, for personal reasons.

Question agreed to.

Senator WILLIAMS: by leave—I move:

That Senator Boyce be granted leave of absence for today, 28 June 2013, for personal reasons.

Question agreed to.

DOCUMENTS

Tabling

The PRESIDENT (15:26): I table two documents listed at item 6 on today's Order of Business.

Standing Committee on Appropriations and Staffing—annual report for 2012-13

Department of the Senate—register of Senate senior executive officers' interests incorporating notifications of alterations of interests of Senate senior executive officers lodged between 28 November 2012 to 26 June 2013

Ordered that the annual report of the Standing Committee on Appropriations and Staffing for 2012-13 be printed.
A Certain Maritime Incident (Senate Select)  
Report on a Certain Maritime Incident  
The government response is being considered.

Agricultural and Related Industries (Senate Select)  
Pricing and supply arrangements in the Australian and global fertiliser market—Final report  
The government response was presented out of sitting on 6 June 2013 and tabled on 17 June 2013.

Australia's Food Processing Sector (Senate Select)  
The government response is being considered.

Community Affairs Legislation  
Social Security and Other Legislation Amendment (Income Support and Other Measures) Bill 2012 [Provisions]  
The government response was given during the debate on the bill.

Annual reports (No. 2 of 2012)  
The government response is being considered.

Low Aromatic Fuel Bill 2012  
The government response was given during the debate on the bill.

Community Affairs References  
The effectiveness of special arrangements for the supply of Pharmaceutical Benefits Scheme (PBS) medicines to remote area Aboriginal Health Services  
The government response is being considered.

Commonwealth contribution to former forced adoption policies and practices  
The government response was tabled on 21 March 2013.

The role of the Therapeutic Goods Administration regarding medical devices, particularly Poly Implant Prothese (PIP) breast implants  
The government response is being considered.

The factors affecting the supply of health services and medical professionals in rural areas  
The government response is being considered.

Palliative care in Australia  
The government response is being considered.

Corporations and Financial Services (Joint Statutory)  
Inquiry into aspects of agribusiness managed investment schemes  
The government response is being considered.

Statutory oversight of the Australian Securities and Investments Commission  
The government response is being considered.

Access for small and medium business to finance  
The government response is being considered.

Statutory oversight of the Australian Securities and Investments Commission  
The government response was tabled on 7 February 2013.

Inquiry into Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011  
The government response was given during the debate on the bill.

The government response was given during the debate on the bill.

Report on the 2010-11 annual reports of bodies established under the ASIC Act  
The government response is being considered.

Inquiry into the collapse of Trio Capital  
The government response was presented out of sitting of 26 April 2013 and tabled on 14 May 2013.

Inquiry into the Superannuation Legislation Amendment (Stronger Super) Bill 2012 and the Superannuation Supervisory Levy Imposition Amendment Bill 2012  
The government response was given during the debate on the bill.

Inquiry into the Australian Charities and Not-for-profits Commission Bill 2012; the Australian Charities and Not-for-profits Commission (Consequential and Transitional) Bill 2012; and the Tax Laws Amendment (Special Conditions for Not-for-profit Concessions) Bill 2012
The government response was given during the debate on the bill.

Inquiry into the Superannuation Legislation Amendment (Further MySuper and Transparency Measures) Bill 2012
The government response was given during the debate on the bill.

Inquiry into the Corporations Legislation Amendment (Derivative Transactions) Bill 2012
The government response was given during the debate on the bill.

Inquiry into the Personal Liability for Corporate Fault Reform Bill 2012
The government response is being considered.

Statutory oversight of the Australian Securities and Investments Commission
There are no recommendations contained in the report.

**Economics Legislation**

Food Standards Amendment (Truth in Labelling Laws) Bill 2009
The government response is being considered.

Annual reports (No. 2 of 2010)
The government response is being considered.

Annual reports (No. 2 of 2011)
The government response was tabled 14 March 2013.

Consumer Credit and Corporations Legislation Amendment (Enhancements) Bill 2011 [Provisions]
The government response was given during the debate on the bill.

The government response was given during the debate on the bill.

Coastal Trading (Revitalising Australian Shipping) Bill 2012 [Provisions] and related bills
The government response was given during the debate on the bill.

The government response is being considered.

**Economics References**

Consenting adults deficits and household debt—links between Australia's current account deficit, the demand for imported goods and household debt
The government response is being considered.

Access of small business to finance
The government response is being considered.

Competition within the Australian banking sector
The government response is being considered.

The post-GFC banking sector
The government response is being considered.

**Education, Employment and Workplace Relations Legislation**

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2011 [Provisions]
The government response was given during the debate on the bill.

Higher Education Support Amendment (Streamlining and Other Measures) Bill 2012 [Provisions]
The government response was given during the debate on the bill.

**Education, Employment and Workplace Relations References**

Provision of childcare
The government response is being considered.

Higher education and skill training to support agriculture and agribusiness in Australia
The government response is being considered and will be tabled in due course.

The shortage of engineering and related employment skills
The government response is being considered and will be tabled in due course.
The adequacy of the allowance payment system as a support into work and the impact of the changing nature of the labour market
The government response is being considered.

**Electoral Matters (Joint Standing)**
Implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections
The government response is being considered.
The 2010 Federal Election: Report on the conduct of the election and related matters
The government response is being considered.
Report on the funding of political parties and election campaigns
The government response is being considered.
Review of the AEC analysis of the FWA report on the HSU
The government response is being considered.

**Electricity Prices (Senate Select)**
Inquiry into electricity prices
The government response was tabled on 20 June 2013.

**Environment and Communications Legislation**
Environment Protection and Biodiversity Conservation Amendment (Emergency Listings) Bill 2011
The government's response will be progressed as part of a broad package of reforms to national environmental law. The timing of introduction of the bill is subject to completion of the drafting and subject to the scheduling of government business.
Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012
The bill is no longer before the Parliament and therefore a further government response will not be responding.

**Environment and Communications References**
Sustainable management by the Commonwealth of water resources

The government response was presented out of sitting on 31 May 2013 and tabled on 17 June 2013.
The koala—saving our national icon
The government response is being considered.
Operation of the South Australian and Northern Territory container deposit schemes
The government response was tabled on 20 June 2013.

**Environment, Communications and the Arts References**
The impacts of mining in the Murray-Darling Basin
The government response is being considered.

**Finance and Public Administration Legislation**
Plebiscite for an Australian Republic Bill 2008
The government response is being considered.
Annual reports (No. 1 of 2012)
The government response was tabled on 16 May 2013.
The performance of the Department of Parliamentary Services—Interim report
The government response was tabled on 7 February 2013.
The performance of the Department of Parliamentary Services—Final report
The government response was tabled on 7 February 2013.

**Finance and Public Administration References**
Staff employed under *Members of Parliament (Staff) Act 1984*
The government response is being considered.
Medicare funding for hyperbaric oxygen treatment
The government response was presented out of sitting on 22 May 2013 and tabled on 17 June 2013.
Finance and Public Administration Standing
Annual reports (No. 2 of 2008)
The substantive recommendation in this report was overtaken by amendments to the Inspector-General of Intelligence and Security Act 1986 in 2011, and consequently the government does not intend to make a response to the report.

Foreign Affairs, Defence and Trade (Joint Standing)
Inquiry into Australia's trade and investment relations with Asia, the Pacific and Latin America
The government response was presented out of sitting on 20 December 2012 and tabled on 5 February 2013.

More than just talk—Australia's human rights dialogues with China and Vietnam
The government response was tabled on 20 June 2013.

Review of the Defence annual report 2010-2011
The government response was tabled in the House of Representatives on 14 February 2013 and in the Senate on 25 February 2013.

Australia's overseas representation—Punching below our weight?
The government response was tabled in the House of Representatives on 3 June 2013 and in the Senate on 17 June 2013.

Foreign Affairs, Defence and Trade Legislation
Autonomous Sanctions Bill 2010 [Provisions]
The government response is being considered.

Defence Trade Controls Bill 2011 [Provisions]—Preliminary report
The government response was given during the debate on the bill.

Defence Trade Controls Bill 2011 [Provisions]—Final report
The government response was given during the debate on the bill.

Gambling Reform (Joint Select)
Third report—The prevention and treatment of problem gambling
The government response was presented out of sitting on 9 May 2013 and tabled on 14 May 2013.

Fourth report—National Gambling Reform Bill 2012 and related bills
The government response was presented out of sitting on 22 May 2013 and tabled on 17 June 2013.

Law Enforcement (Joint Statutory)
Inquiry into Commonwealth unexplained wealth legislation and arrangements
The government response was presented out of sitting on 21 February 2013 and tabled on 25 February 2013.

Legal and Constitutional Affairs Legislation
Crimes Amendment (Fairness for Minors) Bill 2011
The government response was tabled on 16 May 2013.

Migration Amendment (Removal of Mandatory Minimum Penalties) Bill 2012
The government response was tabled on 28 February 2013.

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 [Provisions]
The government response was tabled on 16 May 2013.

Legal and Constitutional Affairs References
The road to a republic
The government response is being considered.

Prospective marriage visa program
The government response is being considered.

Detention of Indonesian minors in Australia
The government response was tabled on 16 May 2013.

Migration (Joint Standing)
Immigration detention in Australia—A new beginning—Criteria for release from detention—First report of the inquiry into immigration detention
The government response is being considered.
Immigration detention in Australia—Community-based alternatives to detention—Second report of the inquiry into immigration detention

The government response is being considered.

Immigration detention in Australia—Facilities, services and transparency—Third report of the inquiry into immigration detention

The government response is being considered.

**National Broadband Network (Senate Select)**

Another fork in the road to national broadband—Second interim report

The government response is being considered.

Third report

The government response is being considered.

Fourth interim report

The government response is being considered.

Final report

The government response is being considered.

**National Capital and External Territories (Joint, Standing)**

Etched in stone? Inquiry into the administration of the National Memorials Ordinance 1928

The government response is being considered.

**Public Accounts and Audit (Joint Statutory)**

Report 417: Review of Auditor-General's reports tabled between February 2009 and September 2009

The government response is being considered.


The government response is being considered.

Report 430: Review of Auditor-General's reports Nos 47 (2010-11) to 9 (2011-12) and reports Nos 10 to 23 (2011-12)

The government response was given by Executive Minute.

Report 431: Review of Auditor-General's reports Nos 24 to 32 (2011-12)

The government response was given by Executive Minute.

Report 434: Annual public hearing with the Commissioner of Taxation - 2012

The government response is being considered.

**Public Works (Joint Standing)**

Public works on Christmas Island

The government response is being considered.


Recommendations in the report were superseded by Report 1/2013.

**Regional and Remote Indigenous Communities (Senate Select)**

Final report 2010

The government response is being considered.

**Rural and Regional Affairs and Transport Legislation**

Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011—Qantas Sale Amendment (Still Call Australia Home) Bill 2011

As the Bills were examined though a Legislation Committee, separate government response is not considered necessary.

Aviation Transport Security Amendment (Screening) Bill 2012 [Provisions]

The government response was given during the debate on the bill.


The government response was given during the debate on the bill.

**Rural and Regional Affairs and Transport References**

Implications for the long-term sustainable management of the Murray-Darling Basin system—Final report

The government response was presented out of sitting on 31 May 2013 and tabled on 17 June 2013.
The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—First report

The government response is being considered.

The possible impacts and consequences for public health, trade and agriculture of the Government's decision to relax import restrictions on beef—Final report

The government response is being considered.

Management of the Murray Darling Basin—The impact of mining coal seam gas on the management of the Murray-Darling Basin—Interim report

The government response is being considered.

Operational issues in export grain networks

The government response is being considered.

Management of the Murray Darling Basin—Second interim report: the Basin Plan

The government response was presented out of sitting on 31 May 2013 and tabled on 17 June 2013.

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

The government response is being considered.

Treaties (Joint Standing)

Report 128—Inquiry into the Treaties Ratification Bill 2012

The government response is being considered.

Report 130—Treaty tabled on 14 August 2012

The government response is being considered.

Report 131—Treaties tabled on 21 August, 11 and 18 September 2012

The government response was tabled on 16 May 2013.

Tabling

Senator McEWEN (South Australia—Government Whip in the Senate) (15:27): I table the committee reports and delegation reports listed at item 6 on today's Order of Business:

Chair of the Foreign Affairs, Defence and Trade Legislation Committee (Senator Stephens) to present additional information received by the committee relating to its inquiry into Export Finance and Insurance Corporation Amendment (New Mandate and Other Measures) Bill 2013 [Provisions]

Chair of the Foreign Affairs, Defence and Trade References Committee (Senator Eggleston) to present additional information received by the committee relating to its inquiry into Australia's overseas development programs in Afghanistan

Chair of the Joint Standing Committee on the National Capital and External Territories (Senator Pratt) to present the following reports:

Visit to the Indian Ocean Territories 21 to 25 October 2012

Inquiry into the provisions of amenity within the Parliamentary Triangle

Deputy Chair of the Parliamentary Joint Committee on Corporations and Financial Services (Senator Boyce) to present report—Financial sector reform in China

Government Whip (Senator McEwen) to present the report of the Australian parliamentary delegation to Vietnam, Singapore and Indonesia, from 7 to 19 April 2013

Senator Boyce to present the 126th report of the Inter-Parliamentary Union Assembly to Kampala, Uganda and bilateral visits to Kazakhstan and Hungary, 28 March to 20 April 2012

Senator Stephens to present:

126th report of the Inter-Parliamentary Union Assembly in Kampala, Uganda and bilateral visits to Kazakhstan and Hungary, 28 March to 21 April 2012.

127th report of the Inter-Parliamentary Union Assembly to Quebec City, Canada and a bilateral visit to Argentina, 13 to 28 October 2012

128th report of the Inter-Parliamentary Union Assembly to Quito, Ecuador and a bilateral visit to Paraguay, 21 March to 7 April 2013

Ordered that the documents be printed.
ADJOURNMENT

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:28): I move:

That the Senate do now adjourn.

Environment

Asbestos

Senator SINGH (Tasmania) (15:28): I rise to speak on adjournment for the last time in this 43rd session of parliament. I think I am the last speaker to speak in this 43rd session of parliament, a parliament that has been one of the most constructive in the nation's history. Among the many achievements of this parliament have been its victories for the environment, from putting a price on carbon pollution to the declaration of the world's largest network of marine parks.

One of the processes initiated in this term of parliament and government reached its culmination only this week. On Monday, 24 June, UNESCO recognised over 170,000 hectares of Tasmania's old growth forest as among the world's most special places. In supporting the Labor government's nomination of these forests for world heritage status, UNESCO has declared that they are the common estate of humanity and deserving of the highest protection. These forests are the legacy of the ancient landforms of Gondwana, and hundreds of thousands of years of nature uninterrupted. They include the Styx Valley, only 70 kilometres from Hobart and home to some of the tallest hardwood trees in the world, stretching over 25 storeys into the air and five metres wide at their bases. The Styx-Tyenna area contains the greatest concentration of these trees in the world. It includes the unique biodiversity in the Upper Florentine, Huon and Picton, and includes areas from Cockle Creek in the far south of Tasmania to Cradle Mountain in the north-west. Habitats for rare and threatened species, such as the endangered wedge-tailed eagle, the white form of the grey goshawk, and the Tasmanian devil are also included in the new boundaries for the Tasmanian Wilderness World Heritage Area. Geology that tells the history of our world is also included—places that exhibit evidence of glacial movement along the Walls of Jerusalem and Central Plateau millions of years ago.

I have walked along these rock faces and among these giants, and they are some of the most beautiful and moving places on earth. There is no doubt in my mind that they are worthy of protection. But declaring these sites of shared significance is no simple decision. Common human heritage requires common human understanding about the meaning of these places, and for at least the last 30 years Tasmania's forests have been the subject of bitter community conflict. This declaration has been made possible by traditional protagonists from the conservation movement and the forestry industry being willing to sit down together and negotiate together. Through the community-driven process concluding in the Tasmanian forests agreement, both parties were able to focus on the best results for the future. And when they had reached that agreement, they were supported by the federal Labor government.

There are not only conservation gains in this agreement, though. The agreement is underwritten by an understanding of the value of Tasmania's forests to industry and to families that depend on forestry jobs. Importantly, the Tasmanian forests agreement provides greater certainty for Tasmanians working in the forestry industry, giving industry players certainty and
providing space and resources to restructure in a way that can build a better future and assure jobs. One of our most important job providers in the state, Ta Ann, whose capacity underpins the success of many operators, will be able to access $26 million to restructure their business in response to market changes and the changing face of Tasmanian forestry. Economic diversification projects, new and innovative developments in affected parts of the state, and structural adjustment programs to allow people to transition or exit out of the industry are just some of the outcomes of this agreement which will benefit workers.

Ultimately, what will be facilitated by this agreement, including the World Heritage Committee's decision this week, is the end of community division over Tasmania's forests. Tasmania's forests have always been important to Tasmanians—to those who were awed by their transcendent beauty and to those families who were sustained by their bounty. Preserving the precious value of our forests is a joint aim now. Now, with the extension of the Tasmanian Wilderness World Heritage Area, it is the aim of our nation and our world as well.

I want to turn my attention now to the new National Asbestos Exposure Register. Firstly, I want to commend Minister Bill Shorten, the Minister for Employment and Workplace Relations, for setting up the register in the wake of community concerns after asbestos was found in Telstra pits during the rollout of the National Broadband Network. Residents near some of these pits have expressed fears that they might have been exposed to potentially deadly asbestos fibres, and at least one family in Sydney moved to a hotel after asbestos was found on their front lawn after it was removed incorrectly from a Telstra pit. The parents feared that their children might have brought the asbestos into the house on their shoes.

There are around two million pits across Australia; they are in almost every footpath. It is estimated that asbestos is in around 10 per cent of these pits. Telstra owns these pits and has accepted responsibility for pit remediation work. Telstra is also working with NBN contractors to ensure that all workers are trained in the removal and handling of asbestos in pits and pipes—trained adequately and properly. In this aim, they are providing 200 experts to oversee the work across Australia.

I am pleased that Minister Shorten moved so quickly to address community concerns regarding asbestos removal from the underground pits and to set up the National Asbestos Exposure Register. The minister convened an urgent meeting of Telstra, union representatives, contractors and asbestos support groups and created a task force to develop a new training standard for asbestos removal. Telstra and NBN Co. have confirmed that they are working with the unions and Comcare to ensure that all Telstra and NBN employees and contractors are trained in the safe removal and handling of asbestos from Telstra pits. With this National Asbestos Exposure Register, anyone who is exposed can register where and when it occurred. We know that it can be up to 20 years before any asbestos related disease comes to light, so it is essential that anyone who thinks they may have been exposed to asbestos puts their name on the register.

The register has been established by the government's Office of Asbestos Safety, with assistance from the Chief Medical Officer. In Australia we have a national approach to asbestos, including establishing the national Asbestos Safety and Eradication Agency and the Asbestos Safety and Eradication Council. This historic legislation passed the Senate last week.
On the day the legislation was introduced into the House of Representatives a truck driver in Sydney was caught on CCTV dumping asbestos outside a childcare centre. This illegal dumping of waste carries fines of between $750 and $1 million and up to seven years imprisonment. The local Sydney council spent $13,000 cleaning up the area after the alarm was raised, but the council says finding the person who dumped the asbestos is like 'trying to find a needle in a haystack'. Dumping of asbestos continues to happen and is putting people at risk. It highlights why we need a national approach to dealing with asbestos and its safe removal.

After the media coverage of the asbestos in the Telstra pits, my office in Hobart had a call from a man who was worried about dumping of asbestos in the Hobart Domain. However, incidents of dumping near childcare centres and the concern with Telstra pits again highlight just why we need a national approach and a national agency and council to try to eradicate asbestos from workplaces and public buildings.

Australia, unfortunately, has one of the highest rates of asbestos related deaths in the world and this will continue to rise if we do not safeguard our community from asbestos. Removal of asbestos should be above politics—the health and safety of Australians are too important to see it politicised. Therefore, I commend the government for establishing the first National Asbestos Exposure Register as well as the national asbestos agency.

**Senate adjourned at 15:37**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:


A New Tax System (Family Assistance) Act—Child Care Benefit (Vaccination Schedules) (DEEWR) Amendment Determination 2013 (No. 1) [F2013L01180].

Aged Care Act—Aged Care (Residential Care Subsidy—Adjusted Subsidy Reduction) Determination 2013 (No. 1) [F2013L01193].

Classification Amendment (Aged Care Funding Instrument) Principle 2013 [F2013L01192].

Carbon Credits (Carbon Farming Initiative) Act—Carbon Credits (Carbon Farming Initiative) (Avoided Deforestation) Methodology Determination 2013 [F2013L01181].

Carbon Credits (Carbon Farming Initiative) (Human-Induced Regeneration of a Permanent Even-Aged Native Forest—1.1) Methodology Determination 2013 [F2013L01189].

Civil Aviation Act—Civil Aviation Regulations and Civil Aviation Order 29.4—Instrument No. CASA 130/13—Approval—for an air display; Permission—for acrobatic flight over a place, flight over a public gathering and low flight [F2013L01178].

Civil Aviation Safety Regulations—Instrument No. CASA EX71/13—Exemption—defect beyond designated rectification interval [F2013L01186].

Revocation of Airworthiness Directives—Instrument No. CASA ADCX 011/13 [F2013L01179].

Environment Protection and Biodiversity Conservation Act—Amendment of list of threatened species, dated 17 June 2013 [F2013L01177].


7 of 2013—Marine Order 502 (Vessel identifiers—national law) 2013 [F2013L01172].
8 of 2013—Marine Order 503 (Certificates of survey—national law) 2013 [F2013L01173].

9 of 2013—Marine Order 504 (Certificates of operation—national law) 2013 [F2013L01174].

10 of 2013—Marine Order 505 (Certificates of competency—national law) 2013 [F2013L01176].

11 of 2013—Marine Order 506 (Approval of training organisations—national law) 2013 [F2013L01170].

12 of 2013—Marine Order 507 (Load line certificates—national law) 2013 [F2013L01171].

Migration Act—

Instrument IMMI 13/088—Revocation of section 499 Direction No. 16 [F2013L01182].

Migration Regulations—Instrument IMMI 13/083—Definition of chemicals of security concern [F2013L01185].

National Disability Insurance Scheme Act—


National Disability Insurance Scheme—Rules for the Scheme Actuary 2013 [F2013L01184].


Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2013 (No. 2) [F2013L01190].

Private Health Insurance (Complying Products) Amendment Rules 2013 (No. 2) [F2013L01187].


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