INTERNET
The Journals for the Senate are available at http://www.aph.gov.au/senate/work/journals/index.htm

Proof and Official Hansards for the House of Representatives, the Senate and committee hearings are available at http://www.aph.gov.au/hansard

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

SITTING DAYS—2012

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 27, 28, 29</td>
</tr>
<tr>
<td>March</td>
<td>1, 13, 14, 15, 16, 19, 20, 21, 22</td>
</tr>
<tr>
<td>May</td>
<td>8, 9, 10</td>
</tr>
<tr>
<td>June</td>
<td>18, 19, 20, 21, 22, 25, 26, 27, 28</td>
</tr>
<tr>
<td>August</td>
<td>14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>September</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
</tr>
<tr>
<td>October</td>
<td>9, 10, 11, 29, 30, 31</td>
</tr>
<tr>
<td>November</td>
<td>1, 19, 20, 21, 22, 26, 27, 28, 29</td>
</tr>
</tbody>
</table>

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

- ADELAIDE 972AM
- BRISBANE 936AM
- CANBERRA 103.9FM
- DARWIN 102.5FM
- HOBART 747AM
- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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

Governor-General
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, Sean Edwards, David Julian Fawcett, Mary Jo Fisher, Mark Lionel Furner, Scott Ludlam, Gavin Mark Marshall, Bridget McKenzie, Claire Mary Moore, Louise Clare Pratt, Arthur Sinodinos and Ursula Mary Stephens
Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy
Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC
Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Back, Christopher John</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Bernardi, Cory</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bilyk, Catryna Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Birmingham, Simon John</td>
<td>SA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Bishop, Thomas Mark</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>NATS</td>
</tr>
<tr>
<td>Boyce, Suzanne Kay</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Brandis, Hon. George Henry, SC</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Brown, Carol Louise</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Bushby, David Christopher</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Cameron, Douglas Niven</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Kim John</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Carr, Hon. Robert John (3)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Cash, Michaelia Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Colbeck, Hon. Richard Mansell</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Collins, Jacinta Mary Ann</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Conroy, Hon. Stephen Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Cormann, Mathias Hubert Paul</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Crossin, Patricia Margaret (1)</td>
<td>NT</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Di Natale, Richard</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Edwards, Sean</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Eggleston, Alan</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Evans, Hon. Christopher Vaughan</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Farrell, Donald Edward</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Faulkner, Hon. John Philip</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Fawcett, David Julian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Feeney, David Ian</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Fierravanti-Wells, Concentta Anna</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Fifield, Mitchell Peter</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Fisher, Mary Jo</td>
<td>SA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Furner, Mark Lionel</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Gallacher, Alexander McEachian</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Hanson-Young, Sarah Coral</td>
<td>SA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Heffernan, Hon. William Daniel</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Hogg, Hon. John Joseph</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Humphries, Gary John Joseph (1)</td>
<td>ACT</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Johnston, Hon. David Albert Lloyd</td>
<td>WA</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Joyce, Barnaby Thomas Gerard</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Kroger, Helen</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Ludlam, Scott</td>
<td>WA</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Lundy, Kate Alexandra (1)</td>
<td>ACT</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Macdonald, Hon. Ian Douglas</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Magidjan, John Joseph</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>DLP</td>
</tr>
<tr>
<td>McEwen, Anne</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>McKenzie, Bridget</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>McLucas, Hon. Jan Elizabeth</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Marshall, Gavin Mark</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Senator</td>
<td>State or Territory</td>
<td>Term expires</td>
<td>Party</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------</td>
<td>--------------</td>
<td>-------</td>
</tr>
<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Milne, Christine Anne</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Moore, Claire Mary</td>
<td>QLD</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Nash, Fiona Joy</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>NATS</td>
</tr>
<tr>
<td>Parry, Stephen Shane</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Payne, Marise Ann</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Polley, Helen Beatrice</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Pratt, Louise Clare</td>
<td>WA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Rhiannon, Lee</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Ronaldson, Hon. Michael</td>
<td>VIC</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Ryan, Scott Michael</td>
<td>VIC</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Scullion, Hon. Nigel Gregory (1)</td>
<td>NT</td>
<td>30.6.2017</td>
<td>CLP</td>
</tr>
<tr>
<td>Siewert, Rachel Mary</td>
<td>WA</td>
<td>30.6.2017</td>
<td>AG</td>
</tr>
<tr>
<td>Singh, Hon. Lisa Maria</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Sinodinos, Arthur (2)</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>LP</td>
</tr>
<tr>
<td>Smith, Dean Anthony (4)</td>
<td>WA</td>
<td>30.6.2017</td>
<td>LP</td>
</tr>
<tr>
<td>Stephens, Hon. Ursula Mary</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Sterle, Glenn</td>
<td>WA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thistlethwaite, Matthew</td>
<td>NSW</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Thorp, Lin Estelle (6)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Urquhart, Anne Elizabeth</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Waters, Larissa Joy</td>
<td>QLD</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Whish-Wilson, Peter Stuart (5)</td>
<td>TAS</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Williams, John Reginald</td>
<td>NSW</td>
<td>30.6.2014</td>
<td>AG</td>
</tr>
<tr>
<td>Wright, Penelope Lesley</td>
<td>SA</td>
<td>30.6.2017</td>
<td>ALP</td>
</tr>
<tr>
<td>Wong, Hon. Penelope Ying Yen</td>
<td>SA</td>
<td>30.6.2014</td>
<td>ALP</td>
</tr>
<tr>
<td>Xenophon, Nicholas</td>
<td>SA</td>
<td>30.6.2014</td>
<td>IND</td>
</tr>
</tbody>
</table>

(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.

**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

iii
### GILLARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime Minister</strong></td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister on Digital Productivity</em></td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister on Mental Health Reform</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td><strong>Minister Assisting the Prime Minister on the Centenary of ANZAC</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Prime Minister</strong></td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
</tr>
<tr>
<td><em>(Deputy Prime Minister)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td><strong>Assistant Treasurer</strong></td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary to the Treasurer</strong></td>
<td>The Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>Senator the Hon Chris Evans</td>
</tr>
<tr>
<td><em>(Leader of the Government in the Senate)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td><strong>Minister Assisting for Industry and Innovation</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Industry and Innovation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Higher Education and Skills</strong></td>
<td>The Hon Sharon Bird MP</td>
</tr>
<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td><em>(Deputy Leader of the Government in the Senate)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Regional Australia, Regional Development and Local Government</strong></td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td><strong>Minister for the Arts</strong></td>
<td>The Hon Simon Crean MP</td>
</tr>
<tr>
<td><strong>Minister for Sport</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Minister for Defence</strong></td>
<td>The Hon Stephen Smith MP</td>
</tr>
<tr>
<td><em>(Deputy Leader of the House)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Minister for Defence Materiel</strong></td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td><strong>Minister for Veterans' Affairs</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Minister for Defence Science and Personnel</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Defence</strong></td>
<td>The Hon Dr Mike Kelly AM MP</td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Defence</strong></td>
<td>The Hon David Feeney</td>
</tr>
<tr>
<td><strong>Minister for Immigration and Citizenship</strong></td>
<td>The Hon Chris Bowen MP</td>
</tr>
<tr>
<td><strong>Minister for Multicultural Affairs</strong></td>
<td>Senator the Hon Kate Lundy</td>
</tr>
<tr>
<td><strong>Minister for Infrastructure and Transport</strong></td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td><em>(Leader of the House)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Parliamentary Secretary for Infrastructure and Transport</strong></td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td><strong>Minister for Emergency Management</strong></td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td><strong>Minister Assisting on Queensland Floods Recovery</strong></td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td><strong>Minister for Home Affairs</strong></td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td><strong>Minister for Justice</strong></td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td><strong>Minister for Families, Community Services and Indigenous Affairs</strong></td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td><strong>Minister for Disability Reform</strong></td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td><strong>Minister for Housing</strong></td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td><strong>Minister for Homelessness</strong></td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td><strong>Minister for Community Services</strong></td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td><strong>Minister for the Status of Women</strong></td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Title</td>
<td>Minister</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>Senator the Hon Bob Carr</td>
</tr>
<tr>
<td>Minister for Trade and Competitiveness</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Communities (Vice-President of the Executive Council)</td>
<td></td>
</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Minister for Finance and Deregulation</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting for Deregulation</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Minister for School Education, Early Childhood and Youth</td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td>Minister for Employment and Workplace Relations</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>abras Relations</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Agriculture, Fisheries and Forestry</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td>Minister for Resources and Energy</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Tourism</td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Greg Combet AM MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Minister for Health</td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Minister for Mental Health and Ageing</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Kim Carr</td>
</tr>
</tbody>
</table>
## SHADOW MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong> (Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>(Leader of the Opposition in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for the Arts (Deputy Leader of the Opposition in the Senate)</td>
<td>Senator the Hon George Brandois SC</td>
</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
<td>The Hon Tony Smith MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong></td>
<td></td>
</tr>
<tr>
<td>(Manager of Opposition Business in the House)</td>
<td>The Hon Christopher Pyne MP</td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>(Deputy Manager of Opposition Business in the House)</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td></td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for Local Government</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for the Murray-Darling Basin</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction</td>
<td>The Hon Andrew Robb AO</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
<td>MP</td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG (Chairman, Scrutiny of Government Waste Committee)</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Energy and Resources</strong></td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Water</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Support</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health Services and</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Indigenous Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Shadow Minister for Small Business, Competition Policy and</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Consumer Affairs</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business and Fair Competition</td>
<td>Senator Scott Ryan</td>
</tr>
</tbody>
</table>
CONTENTS

WEDNESDAY, 15 AUGUST 2012

Chamber
PARLIAMENTARY REPRESENTATION—
   South Australia ........................................................................................................... 5301

BILLS—
   Aviation Transport Security Amendment (Screening) Bill 2012—
      Second Reading—
         In Committee.......................................................................................................... 5316
      Third Reading........................................................................................................... 5324
   Higher Education Support Amendment (Student Contribution Amounts and Other
      Measures) Bill 2012—
      Second Reading........................................................................................................ 5324

MATTERS OF PUBLIC INTEREST—
   Australian Broadcasting Corporation ................................................................. 5342
   Defence Budget........................................................................................................ 5343
   Environment .............................................................................................................. 5347
   Volunteering ................................................................................................................ 5351
   Renewable Energy ...................................................................................................... 5355

DISTINGUISHED VISITORS ......................................................................................... 5358

QUESTIONS WITHOUT NOTICE—
   Defence Budget........................................................................................................ 5358
   Afghanistan .................................................................................................................. 5360
   Budget .......................................................................................................................... 5361

DISTINGUISHED VISITORS ......................................................................................... 5363

QUESTIONS WITHOUT NOTICE—
   Asylum Seekers .......................................................................................................... 5363
   Carbon Pricing ............................................................................................................. 5366
   Broadband ................................................................................................................... 5367
   Carbon Pricing ............................................................................................................. 5369
   Supermarkets .............................................................................................................. 5371

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS—
   James Price Point ......................................................................................................... 5373

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
   Defence Budget ........................................................................................................ 5373

NOTICES—
   Presentation .................................................................................................................. 5379

BUSINESS—
   Rearrangement .......................................................................................................... 5381

NOTICES—
   Postponement ............................................................................................................. 5381

BUSINESS—
   Rearrangement .......................................................................................................... 5382

MOTIONS—
   London Olympic Games ............................................................................................ 5385

COMMITTEES—
   Community Affairs Legislation Committee—
      Meeting .................................................................................................................... 5385
CONTENTS—continued

Community Affairs Legislation Committee—
  Meeting ........................................................................................................... 5385
Environment and Communications Legislation Committee—
  Meeting ........................................................................................................... 5385
Electoral Matters Committee—
  Meeting ........................................................................................................... 5386
Rural and Regional Affairs and Transport References Committee—
  Meeting ........................................................................................................... 5386
Australian Commission for Law Enforcement Integrity Committee—
  Meeting ........................................................................................................... 5386
Community Affairs References Committee—
  Meeting ........................................................................................................... 5386
Community Affairs References Committee—
  Reporting Date ............................................................................................. 5386
MOTIONS—
  Homelessness ............................................................................................... 5386
NOTICES—
  Withdrawal .................................................................................................... 5387
MOTIONS—
  Forestry ......................................................................................................... 5387
  Surveillance ..................................................................................................... 5387
  Minerals Resource Rent Tax ........................................................................... 5389
  World War II .................................................................................................. 5391
MATTERS OF PUBLIC IMPORTANCE—
  Asylum Seekers .............................................................................................. 5392
FIRST SPEECH ................................................................................................. 5404
MATTERS OF PUBLIC IMPORTANCE—
  Asylum Seekers .............................................................................................. 5409
COMMITTEES—
  Scrutiny of Bills Committee—
    Report ......................................................................................................... 5410
DOCUMENTS—
  Presiding Officers of Australian Parliaments—
    Tabling .......................................................................................................... 5411
DELEGATION REPORTS—
  Parliamentary Delegation to the United Kingdom, Spain, Germany and the United
    States of America ......................................................................................... 5411
PETITIONS—
  Kanwal Village Post Box ................................................................................ 5411
CONDOLENCES—
  Adams, Senator Judith Anne ........................................................................... 5412
DOCUMENTS—
  Tabling .......................................................................................................... 5412
COMMITTEES—
  Membership .................................................................................................... 5412
Foreign Affairs, Defence and Trade Legislation Committee—
  Report ............................................................................................................. 5412
CONTENTS—continued

Environment and Communications Legislation Committee—
   Report................................................................................................................ 5412

BILLS—
   Migration Legislation Amendment (Regional Processing and Other Measures)
      Bill 2012—
         First Reading................................................................................................ 5413
         Second Reading............................................................................................ 5413

ADJOURNMENT—
   Australian National Internship Program............................................................ 5435
   Marine Sanctuaries............................................................................................. 5437
   Education Funding............................................................................................. 5439
   Homeless Persons Week.................................................................................... 5441

DOCUMENTS—
   Tabling............................................................................................................ 5444

Questions On Notice
   Employment and Workplace Relations—(Question No. 1558)............................. 5445
   Education, Employment and Workplace Relations—(Question No. 1809).............. 5445
   Australia Post—(Question No. 1866)................................................................... 5448
   Australian Security Intelligence Organisation—(Question No. 1870).................... 5451
   Australian Security Intelligence Organisation—(Question No. 1871).................... 5452
   Families, Housing, Community Services and Indigenous Affairs—
      (Question No. 1872).................................................................................... 5454
   Tertiary Education, Skills, Science and Research—(Question No. 1874)................. 5454
   World Health Organisation—(Question No. 1879)............................................. 5455
   Health and Ageing—(Question No. 1881)......................................................... 5456
   Sustainability, Environment, Water, Population and Communities, Agriculture,
      Fisheries and Forestry—(Question Nos 1886 and 1887).................................. 5456
   Treasury—(Question No. 1888).......................................................................... 5458
   Resources and Energy—(Question No. 1889).................................................... 5459
   Agriculture, Fisheries and Forestry—(Question No. 1897).................................... 5459
   Climate Change—(Question No. 1902).............................................................. 5465
   Australian National University Student Union—(Question No. 1903).................. 5466
   Fair Work Australia—(Question No. 1905)......................................................... 5466
   Employment and Workplace Relations—(Question No. 1907)............................ 5466
   Employment and Workplace Relations—(Question No. 1910)............................ 5467
   Employment and Workplace Relations—(Question No. 1911)............................ 5467
   Fair Work Australia—(Question No. 1914)......................................................... 5468

Building and Construction Industry Improvement Amendment
   (Transition to Fair Work) Bill 2012—(Question No. 1916).................................... 5468
   Employment and Workplace Relations—(Question No. 1921)............................ 5468
   Employment and Workplace Relations—(Question No. 1922)............................ 5468
   Employment and Workplace Relations—(Question No. 1923)............................ 5469
   Fair Work Australia—(Question No. 1924)......................................................... 5469
   Agriculture, Fisheries and Forestry—(Question No. 1925).................................... 5470
   Immigration and Citizenship—(Question No. 1928)........................................... 5471
   Defence: Procurement—(Question No. 1934)..................................................... 5476
   Defence: Heavy Landing Incident—(Question No. 1936)..................................... 5479
CONTENTS—continued

Prime Minister and Cabinet—(Question No. 1951) ........................................... 5480
Australian Radiation Protection and Nuclear Safety Agency—(Question No. 1952) .... 5480
Health and Ageing—(Question No. 1953) ............................................................ 5481
Burma—(Question No. 1954) ................................................................................. 5482
Resources and Energy and Tourism—(Question No. 1955) ................................. 5483
Immigration and Citizenship—(Question No. 1957) ............................................. 5483
Minister for Foreign Affairs: Statement of Interests—(Question No. 1958) ............ 5484
Australian Fisheries Management Authority—(Question No. 1962) .................... 5484
Australian Fisheries Management Authority—(Question No. 1963) .................... 5487
Australian Fisheries Management Authority—(Question No. 1964) .................... 5488
Resources and Energy—(Question No. 1966) ....................................................... 5488
Wednesday, 15 August 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9.30, read prayers and made an acknowledgement of country.

PARLIAMENTARY REPRESENTATION

South Australia

The PRESIDENT (09:31): I inform the Senate that I have received a letter from Senator Fisher resigning her place as a senator for the state of South Australia. Pursuant to the provisions of section 21 of the Constitution, I have notified the Governor of South Australia of the vacancy in the representation of that state caused by the resignation. I table the letter and a copy of my letter to the governor.

BILLS

Aviation Transport Security Amendment (Screening) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RHIANNON (New South Wales) (09:32): I had commenced my speech yesterday on the Aviation Transport Security Amendment (Screening) Bill, so I am pleased to return to it today because there are other matters that I need to detail.

Other problems have been identified during the inquiry that my colleague Senator Scott Ludlam initiated and these have also come out at the seven-week trial that was held into the technology at both Sydney and Melbourne airports. Almost half the people scanned in this trial had to undergo further searches after triggering the scanner alarm. The minister's department, the Department of Infrastructure and Transport, submission to the Senate inquiry, cited the common causes of what is triggering these many false alarms. We are finding out that anything from buckles, watches, hairclips, studs to zippers can result in false positives occurring with the alarms going off.

The department conceded that the process proved slower than the currently used metal detectors, so, again, it comes back to: how do we ensure that the safety measures put in place for air travel actually work and do not result in a false sense of security?

In the minister's closing speech in the House of Representatives he noted that aviation security screening in Australia must use non-ionising millimetre-wave technology and that X-ray technology, also often called ionising radiation, will not be allowed. It is good that he said that but, having recognised that there is a problem because, as we know, in Europe—for example, in France and Germany—ionising radiation scanners have been banned. Why has the minister left open in the bill the possibility of introducing screening technologies? This is unnecessary excess that the minister has not explained and it is why the Greens will move an amendment to rule out the use of ionising backscatter X-ray equipment. It needs to be in the legislation. It needs to be clear. The ban needs to be put in place.

This was also a point that was included in the submission of the Australian airline pilots association. It is relevant to airport workers, pilots, cabin crew and frequent flyers who are going through these scanners on a regular basis. So, yes, the minister has said that they should not be used. Surely, we need to take the responsible step and ensure that it is in legislation that it will not occur.

The minister also noted that images produced by a body scanner must only be a generic or stick-figure image that is gender neutral, does not identify the person and that the image is not stored. I acknowledge that,
in terms of civil liberties, this is an improvement but it does not address the more fundamental right of people to opt out of the scan, if they so wish, on a myriad personal and privacy grounds well beyond medical reasons. Again, I put it to you to imagine being at an airport. You are waiting in a queue, and it is mandatory for this screening to be carried out. It could put some people in a very embarrassing situation. A woman who has been diagnosed with breast cancer and has a breast prosthesis or somebody with a colostomy bag have to explain to a security person, a stranger, about their medical situation. That should not happen. They should have the option to opt out, and opt out means that they are then patted down. So the search is still undertaken. This is how it works in the United States. This is how we could improve this legislation.

Documents released under freedom of information reveal that staff from the Office of Transport Security confirmed the machines would detect people who are wearing a prosthesis. This is a very real problem. It has been recognised by the Breast Cancer Network Australia. They have sent out alerts to their 70,000 members recommending that they carry a letter from their doctor and speak to security staff before passing through the body scanner to ensure discreet treatment.

It is worth clarifying here that breast implants would not be detected, but prosthetic breasts used by women who have had a mastectomy will be. Similarly, transgender people who use prosthetics could also be forced to undergo a scan and be put in an embarrassing situation. This can easily be handled in a respectful way by allowing the opt-out in favour of the patting down. Then people would not have to explain their personal situation; and, for privacy reasons, they should not have to.

Many significant privacy concerns with the proposed use of the scanners were outlined to the Senate committee inquiry. The premise of the bill is that a person is taken to consent to an intrusive screening procedure whenever they present at a screening point at an airport. Many civil liberties groups put in submissions to the inquiry, even though it was a very rushed inquiry—only two weeks to get those submissions in—and many raised how that it is a gross and unnecessary incursion on people's rights to decline the scan and their right to object to the creation of the scanner image.

We certainly acknowledge that the right to privacy is not an absolute. But it is a crucial part of the democratic process and it should not be compromised wholesale when there are acceptable ways to handle this issue of airport security, with a more layered response and without being absolute about scanners. The President of Queensland Council for Civil Liberties, Michael Cope, said in their submission:

\[\ldots\] people are being asked to undergo the equivalent of a strip search with a bag over their head.\[\ldots\]

The fundamental question is whether the risk of being killed on in a terrorist attack, which is considerably less than that of dying crossing a road or falling off a ladder, justifies strip searching everyone who gets on a plane.\[\ldots\]

As one privacy expert put it if you are trying to stop bombers at the airport it's probably too late. Mr Cope commented to the media that the government's decision to ensure that the image thrown up by a scan would be a stick figure rather than a person's naked body shape was a significant advance but still denied passengers the choice of a body frisk search.
The Chair of the Australian Privacy Foundation, Roger Clark, defended the rights of people to object to being scanned, noting that the bill went beyond allowing the introduction of one specific type of body scanner. He noted the rushed process for inquiry into the bill, saying that civil liberties groups had not been told in advance about the two-week parliamentary inquiry. He also noted the government's failure to complete a privacy impact assessment.

So it is disappointing again that Minister Albanese—and now we hear the coalition is working with them on this—is presenting this inadequate legislation. We could have worked together to get it right, to make sure that protections are in place and to make sure that the scanning equipment is reliable and is not going to throw up a large number of false negatives.

Given that the government has already commenced the phase-in of these scanners, the Greens are putting up amendments, as I have mentioned, that would: ensure an opt-out provision remains—a frisk search—as an alternative to a full-body scan; rule out the use of ionising backscatter X-ray equipment rather than limiting it to certain circumstances prescribed by regulation; and ensure that any new technologies are rigorously assessed for compliance with health regulations prior to their introduction.

This security system has been proven to be slower and less effective than the current system. It has been proven to be unreliable, with a high percentage of triggered false alarms. It has been shown to slow down processing times at airport security checkpoints. It is an incursion on the civil liberties of many people who have good grounds on which to opt-out of the scan and request an alternative frisk search. The system also has public health implications which are not fully known, especially considering the possibility of introducing new scanner technologies in the future.

It is by no means certain that these significant drawbacks are outweighed by any increased measure of security compared with that provided by an opt-out regime. The Greens believe that the government should have heeded the community's concerns, the submissions to the inquiry and the recommendations of the Senate committee that addressed the serious privacy, civil liberties and public health concerns. As such, we do not support the bill in its current form and will argue strongly for the amendments. Thank you.

Senator FAWCETT (South Australia) (09:42): I rise to address the Aviation Transport Security Amendment (Screening) Bill 2012. The bill implements a number of amendments to support the introduction of body scanners at Australian international airports.

Specifically, section 41A is inserted and it assumes—this is an important differentiation—the very fact that somebody has arrived and wants to travel means that they have consented to a search, with the exception of a frisk search, which people can explicitly refuse to consent to.

It amends section 44, to deal with people who are not able to pass through a screening point, and it inserts a number of sections that list but do not limit the type of equipment that can be used for screening. I will touch on that a little later because I think that is an important point to be made during the second reading debate—the impacts of technology which may not currently be intended but could potentially cause harm if routinely used for all folk, particularly frequent flyers or aircrew. The bill also repeals section 95A, which removes the right of a person to choose a frisk search over another screening procedure.
So why are we doing this? Ever since 9-11 we have been aware of the fact that aircraft can be used as weapons. Going right back to the seventies and various hijackings, we have seen that aircraft and air travel have been targets of various terror groups. The 2009 incident is probably the one that kicked this off: the Northwest Airlines flight from Amsterdam to Detroit. A man who became known as 'the underwear bomber' managed to take explosives on board hidden in his underwear. Because the explosives were not metallic, none of the existing procedures picked them up. Had he successfully detonated the explosives, the plane, carrying 290 people, would have perished.

So it is important in terms of protecting the travelling public and particularly providing them with the confidence to travel, which is a really important part of our economy. People's confidence to spend and people's confidence to travel go a long way to actually keeping things like our tourism industry, for example, viable as well as facilitating the safe and effective travel of people who need to move around our nation or indeed the globe for business or personal reasons.

There was a voluntary trial conducted in August and September of last year at Sydney and Melbourne airports in which some 20,000 scans were conducted in a three-week period to have a look at the efficacy of the machine but also the impact on the rate of clearance of people moving through. There have been two inquiries, one in the House and one in the Senate, looking into the scanning technology and its implementation. Of note also is the fact that in the US, even just recently, a similar device to that used in 2009 was detected, which shows that the threat is still extant. Even though it has taken us some years to go from that incident to now, the nonmetallic threat remains extant and so it is an important measure to continue with. The technology that has been proposed by the government is a millimetre-wave body scanner technology and the degree of exposure or risk to people is expected to be less than that of a mobile phone being used by someone else some metres away. So there is a low possibility and a low expectation that exposure to this kind of technology will be harmful to people.

I think it is important to note that, given that one of the clauses that is being inserted here lists but is not exclusive to technology, it means that the other kind of technology, which is more of an X-ray or an ionising technology, could potentially be used. It is used in some other countries. That one does expose people to doses of radiation. I have particular concerns there for people such as aircrew, who frequently will be exposed to this, or even security staff at airports who need to move between the general public areas and those secure areas. I will discuss those a bit later. But in terms of this legislation currently we are talking about the body-scanning technology, which is millimetre-wave scanner.

One of the issues is that some people are concerned about the no-opt-out rule. I understand those concerns. There are many areas where people may feel uncomfortable about security provisions. My experience and my expectation is that, if people wish to travel and they wish to feel safe, they need to recognise that we do have a set of rules and regulations that will apply uniformly. The fact that somebody could have the opportunity to opt out other than for a clear physical or medical reason, or the fact that they are an infant or a child, opens up a huge hole in the whole purpose of having the technology. If somebody had something to hide and they were happy that they had placed it on their body in such a way that a frisk would not identify it then clearly they would choose to opt out. It would almost be
pointless to have the technology investment in that if we allow people without good reason to opt out. So whilst I understand the concerns I am happy to support that provision.

The health impact is another concern people have raised. As I have said, the power density exposure for the technology that is being used is some several thousand times lower than that of a single mobile phone call. It is comparable to the passive exposure of a mobile phone being used several metres away. In fact, the US Transportation Security Administration has stated that the technology emits 10,000 times less radiofrequency energy than the average mobile phone call and the scans are well within the limits set by the Australian Radiation Protection and Nuclear Safety Agency.

My concern there, however, is not only that people who have to frequently travel—again, aircrew, security staff at airports and to a certain extent even frequent fliers—are exposed to this radiation but also that if the technology were changed, as this legislation allows for, it would expose people to doses of radiation. Aircrew in particular, because they are operating at high altitudes frequently, already have ongoing health concerns with exposure to radiation in the atmosphere. This on top of that, I believe, is an issue that should be considered.

My belief is that we have systems in place through both the selection processes and the personnel management of the airlines, particularly Australian based airlines, and also the ASIC cards—the security cards issued by CASA—to make sure the people who need to be airside are appropriately vetted and checked. Certainly my contention is that, where we have confidence in the company—for example, Qantas or Virgin, Australian-based companies—and their aircrew as well as our own Civil Aviation Safety Authority and the ASIC process, we should have an exemption for aircrew, even under this legislation. Certainly were the technology to change I believe it would be essential that we trust the other mechanisms we have in place about the security considerations of those people who are crewing the aircraft.

At the end of the day, as 9-11 indicated, if people who are flying the aircraft have ill intent, it is not often because they are carrying a weapon on board; the aircraft is the weapon. So, given that the pilots are in control of what potentially could be a weapon, to scan them seems a little superfluous. Particularly in the light of the checks that they have already undergone, I believe this is one measure that could and should be implemented to make sure that we expedite the movement of people through those security points but that we are also addressing where the real threat is. I note, for example, that countries who have a high threat of hijack or terrorist incidents, such as Israel, do not actually use the same kind of technology. They have much more of a profile based approach to identifying threats and then dealing appropriately with people through questioning and other measures. Therefore, the reverse, those whom we have already seen vetted, trained and taken into a very strict system such as airline training and employment, should be able to pass without that kind of scrutiny.

Privacy concerns are another issue people have raised. I am satisfied from my reading of the explanation from the department that this particular device, unlike some overseas, will not record and transmit or store images of people. What is displayed and then discarded after the assessment is a cartoon like character which indicates if there is an object that is a source of alarm. Essentially, it is a generic cartoon character with an indication of where the issue is. That is not
stored, it is not transmitted—nor is the underlying raw image. So I do not believe there are privacy concerns that need to be addressed.

The efficacy of the machines is another issue. In the Sydney and Melbourne trials, there were some 23,000 scans undertaken, and 57 per cent of the passengers were able to immediately proceed through security. But that is a higher alarm rate than walk-through metal detectors. People might say that is good, but it is picking things up like boots with buckles, loose coins, hairclips, watches and jewellery. So part of it comes down to better educating people about what they need to remove. We may end up with a situation you would be more likely to see in Heathrow, for example, where there is significant effort before people go through the scanner to advise them of the things that they need to remove from their pockets and place in trays. This would cut down on false alarms—the downside of which, obviously, is that there is a requirement then for follow-up, whether that is people emptying out their pockets or having further checks, which slows the rate of people facilitated through the security checks.

So I believe we need to monitor the efficacy of the machines in terms of the genuine alarm and false alarm rates as well as the flow of people through the machines, hence my call to consider 'known passenger' programs where people submit themselves to early identification by security agencies in Australia or overseas such that their reason for movement, their background and their security are known upfront. I imagine most frequent flyers for business would be happy to participate in such a program. It also means that you could facilitate a large number of people far more rapidly through security than under the current approach, which assumes that everyone, even the pilot flying the aircraft, needs to be checked.

There is a balance to be had there. Again, there is no such thing as zero risk; you are always balancing risk and probability. But profiling in other jurisdictions has been proved to have a high rate of success, and I believe voluntary engagement through something like a 'known traveller' program is a good way to address any residual concerns about the efficacy of the machines in terms of facilitation rates.

Another concern that has been raised is about implanted devices such as pacemakers et cetera. However, the machines have less radiation than a mobile phone, and implanted devices all have an EMC, an electromagnetic compatibility, to be able to work with radioactive devices such as mobile phones. Certainly, the department here and authorities overseas have indicated that there is no concern about implanted devices like pacemakers.

I do raise a concern, though about the context of the security. On one hand, we have legislation coming in and expenditure on things such as scanning machines, with no exception for people like pilots, who already have ASICs and have had security checks; but, on the other hand, those kind of exceptions are allowed in other areas of airports to which people have access. During estimates I have asked questions, and I have not received answers, about the access of people such as cleaners, caterers and even mechanics. My understanding from having worked in the industry is that many of these groups can simply scan themselves through a security point, as in swipe a card, enter the secure airside area with their vehicles and, without any personal checks or scans, even of their tool kits or cleaning equipment, access the aircraft.

So, if we are concerned that there be no pathway for getting a weapon or an explosive device on board an aircraft and we
are going to be bringing in legislation that has a no-opt-out provision and requires everyone, including pilots and cabin crew, to go through a scan every time they go on the aircraft, then surely common sense dictates that we should be applying a more even handed approach and making sure that everyone who has access to an aircraft has been through the appropriate clearance. If ground based people have access without that kind of process, what possible justification can there be for folks such as aircrew, who already have ASICs, to have to undergo a scan? My sense is that we need some additional provisions at the aircrew end to allow easier access and we probably need to tighten things up on the ground side to make sure that we have suitable security throughout the whole system.

The opposition are not going to oppose this bill, but I do maintain that we need to monitor the efficacy of the machines and the facilitation rates. If there is any attempt to introduce X-ray technology, we must make provision for aircrew and even frequent flyers with a 'known traveller' opt-in type program of security checks to be exempt from mandatory screening. We need to have appropriate security at all points of access to the secure area.

The government also needs to think carefully about how it is charging for these kinds of measures. We are increasingly seeing charges being levied on airports and therefore transferred to the airlines and hence to the passengers. There is something like a $40 million per year charge by airports to partly recover airport policing costs. But at the same time that we are concerned about the country's security the government is cutting funding to Customs. So, on one hand, we are seeing Customs and Quarantine reduce the number of cargo and baggage inspections and, on the other hand, we are seeing cost increases in areas such as this.

All of those costs have an impact on the viability of airlines' operations and on the attractiveness of Australia as a destination and, at a time when we have a strong dollar and we are seeing a lot of people travelling overseas in preference to holidaying in Australia because the exchange rate is good, a lot of our tourism operators here are really struggling. The more we put charges onto the airports—even things like the carbon tax—the harder the struggle becomes. It will cost Qantas some $110 million in 2012-13 and will add some $45 million to Virgin Australia's costs. So, by layering these costs upon the industry, we are making Australia a very unattractive place. I believe the government needs to take heed of its own words—for it is asking for productivity and to make Australia an attractive place to do business—and reconsider the cost that it is imposing on industry unnecessarily and indeed, in the case of the carbon tax, unnecessarily on the whole of the Australian economy.

The coalition will not be opposing this bill. We support the requirement for security, but my personal belief is that there are some things we could be doing better and some things we need to monitor carefully about the implementation of this legislation.

Senator XENOPHON (South Australia) (10:00): I would like to indicate my support for the Aviation Transport Security Amendment (Screening) Bill 2012 and for the proposed amendments by the Australian Greens. Can I say at the outset that I find myself agreeing substantially with what Senator Rhiannon said—that this bill could be giving a false sense of security, and I will go into those details further—and also with another considered contribution by Senator Fawcett in relation to the issue of airport security cards. I will refer to that briefly.
What concerns me is that there is a bit of spin happening here. The government, the minister, said in the House of Representatives that this amendment bill will support the upcoming introduction of body scanners at Australia's international airports. He went on to say:

This will ensure that Australian travellers are afforded the highest level of protection against aviation terrorism, bringing Australia into line with countries such as the United States of America, Canada, the United Kingdom and the Netherlands.

But it is not so simple, for reasons I will refer to when I make reference to the case of Allan Kessing shortly. Security has come to define the way we travel. There is something about trusting your life to a metal tube thousands of feet in the air. Sadly, in these times we have learned to trust the metal tube more than we trust our fellow human beings. There is no doubt that we must make our transport systems, and particularly aviation, as safe as we can. I do not think anyone disagrees with the idea of sacrificing some of our time and patience to fly in safety.

The introduction of these scanners, and the measures included in the bill to ensure their safe and appropriate use, are a useful step. But we cannot become complacent. There are still serious issues with the integrity of the safety systems in place at our airports. In my home town of Adelaide, people have reported seeing passengers in the international terminal at Adelaide Airport having knives and other dangerous objects confiscated. This is after they have already gone through the standard scanning procedures in place at the terminal entry, effectively for domestic passengers. These basic procedures, including the current body and luggage scanners, have failed to pick up these dangerous objects, and they are only found in the more detailed security procedures undertaken in the international terminal. That is a cause for real concern.

It would be easy to say that at least they are being picked up, and this is true. But we should be aiming higher. It begs the question as to why there was an issue in the first place and why those dangerous objects were not picked up at the first point of scanning. I hope the scanners implemented through this bill will live up to their promises in this regard.

I have also been approached by a number of whistleblowers within airport security around Australia after my involvement with Mr Allan Kessing. In the early 2000s, Allan was part of the Air Border Security Unit within Customs, and he analysed a large amount of information relating to security that the organisation had accumulated. He produced two reports—erudite, articulate, comprehensive and forensic. As I recollect, those reports were prepared in 2002 and in 2003. The reports Mr Kessing prepared highlighted serious issues within Australia's border and airport security, including abuses of Customs regulations, theft, smuggling and systemic criminality. The reports were not released or actioned. What happened next is still under debate. Mr Kessing went to then shadow minister Albanese. Nothing appeared to come of this either. Months later, in a series of articles commencing in the Australian on 31 May 2005, the Australian published details from Mr Kessing's report. It was a front-page story by Martin Chulov and Jonathan Porter headed 'Airport staff "smuggling drugs" secret Customs report exposes criminal links"'. The article started off:

Workers at the nation's largest airport, including baggage handlers with high-level security clearances, have been involved in drug-smuggling and stealing from passengers, according to a classified Customs report that also suggests staff pose a terrorism threat.
There were a series of articles that exposed that. For instance, on the next day the *Australian* published an article, again by Martin Chulov and, in this case, Dennis Shanahan headed, 'Secret Customs report reveals major security breaches: drug convict on airport frontline'. The article starts off by saying:

A man who served eight years in prison for smuggling drugs into Australia is one of dozens of employees still working at Sydney Airport, despite his serious criminal record.

These were the matters that were raised in Mr Kessing's comprehensive and forensic reports. At first the then Howard government denied there were any such reports. Then there was what could be described as a backflip and, to the government's credit, they commissioned the Rt Hon. Sir John Wheeler, from the United Kingdom, an airport security expert, to conduct a review of airport security. That report was published and released to the public in September 2005 and was headed, *An independent review of airport security and policing for the government of Australia.*

The Wheeler report in effect endorsed Mr Kessing's reports. In effect it repeated its recommendations and it extended further substantial criticisms of airport security in this country. The report raised concerns about the lack of a mechanism to regularly draw together and assess the threat of crime and criminality at major airports, as well as a lack of reporting and a level of tolerance of theft at airports and cargo areas. So forgive me for being a bit cynical about the government saying that this is going to provide the highest levels of airport security. As Senator Rhiannon said, there is a concern that it will give us a false sense of security. It will not address the key issues that were quite rightly identified by Senator Fawcett in relation to airport security.

The Rt Hon. Sir John Wheeler stated in his report:

Intelligence material, particularly from Customs, confirmed significant threats and vulnerabilities at major airports that are consistent with the reporting by *The Australian* on 31 May and 1 June 2005 of the unauthorised release of a classified Customs staff-level assessment at Sydney Airport.

The report went on to describe policing at airports in Australia as 'inadequate and dysfunctional' and described security systems as 'typically uncoordinated'. It also pointed out serious flaws in the aviation security identification card, the ASIC system, where applicants with a pattern of criminality or with major criminal associations were potentially not denied access. At that time, there were 188 ASIC databases and authorising bodies around Australia. They were neither consistent nor linked. The review concluded that significant improvements:

… will require a changed culture of cooperation, sharing, and openness to new technologies and methods across Federal, State and private sector agencies and personnel, in order to replace the silos and insularity which continue to provide unnecessary weaknesses that could be exploited by criminals and terrorists.

The Howard government, to its credit, allocated well over $200 million towards the reforms recommended by the Rt Hon. Sir John Wheeler. There is a question as to the extent to which they have been implemented. I think it is fair to say that many of those recommendations have been implemented. Their effectiveness and monitoring is an issue for legitimate questioning at Senate estimates and through this parliament.

So the matter seemed to be settled at a public level, at least. But it is worth reflecting on a couple more recommendations by Sir John Wheeler. He said in his report that staff could be bribed to
ignore criminality or paid large sums to assist in drug trafficking or theft. Once compromised, such employees may be unable to stand up to terrorists. Any airport staff who are not thoroughly background checked and routinely searched are potentially weak links. He went on to refer to the lack of cooperation between agencies. His report said:

The Review had great difficulty in obtaining comprehensive airport crime data ... However, there is a culture of under-reporting and tolerance of theft at airports and related cargo areas ...

That compromises people when there is a real threat of terrorism—because they have been compromised, they could be subject to blackmail. Sir John Wheeler said:

Policing at major airports in Australia is often inadequate and dysfunctional, and security systems are typically uncoordinated. The roots of this include bureaucratic turf protection and unresolved Commonwealth/State conflicts over resources.

It went on and on with recommendation after recommendation that indicated everything that Allan Kessing said in his reports and more.

Was Mr Kessing given an Order of Australia? Was he congratulated by Customs for writing these reports, which were hitherto suppressed? Was he praised in the parliament? No. Mr Kessing was charged with providing the information published in the Australian under section 70 of the Crimes Act, a charge that he denies. Having spent many hours with Mr Kessing, I believe absolutely in his innocence. He was not the person who released those reports to the Australian. Many others could have released those reports. He was not that person. I believe that. Mr Kessing has been unable to clear his name. He was convicted and given a suspended jail term. It has had a devastating impact on his life.

I have taken up Mr Kessing's cause for three reasons. Firstly, I absolutely and fundamentally believe he was not the one who leaked the report to the Australian and therefore he should not have been convicted—his conviction was an unsafe one. Secondly, I believe we need to stand up and protect people who seek to speak out where others would prefer to remain silent and let others take the fall. Thirdly, these reports, vindicated by the Wheeler review, were very much in the public interest. Mr Kessing should have been congratulated for preparing the reports. They should have seen the light of day much earlier than they did. There are serious doubts about the safety of Mr Kessing's conviction and that is why, as long as I am in this place, I will agitate for a full pardon for Mr Kessing.

Let's turn to this bill and the false sense of security it will provide us because of the unambiguous statements of the government. We cannot assume that introducing new scanners will solve all of the problems at Australia's airports, but I do welcome these changes. While I acknowledge that there have been steps taken to address these issues, including the introduction of airport police commanders to coordinate security matters in airports, we cannot assume that everything is now okay. But what is most worrying to me is that we might not even know what all of those problems are. We did not know what was happening before Mr Kessing's report was leaked, triggering the Wheeler review. So what is to say we know what is happening now? It is interesting that an article in the Fairfax media back in June 2009 was headlined 'ID cards and good intentions won't solve old problem'. It was an editorial in the Age that began:

It is time to overhaul security at Australia's docks and airports.

It continued:
At airports there are problems of inadequate screening of casual employees, nepotism and security camera blind spots. More than three years after the Wheeler inquiry found major problems at airports, it raises the question of what effective measures have been taken.

It went on to say:

What is also now apparent is that many hundreds of aviation and maritime workers with criminal records are being approved for security cards. Of 5764 applicants found to have a criminal record since last October, fewer than 200 were refused security cards.

That is a very serious issue. Before the government waxes lyrical about aviation scanners, which I welcome and support, how about dealing with those issues that appear to still be unresolved since Mr Kessing's reports of a decade ago and the Wheeler review back in 2005?

We need to encourage and protect whistleblowers who work within Customs and our airports to come forward. Unless we do that, we will not get the full picture. We can only know all the necessary details—all the loopholes and clauses and ins and outs—if we listen to the people on the ground. But these people will never speak out as long as their jobs and futures are in danger, because they will look to what happened to Allan Kessing. They will look at the shameful and disgusting way he was treated by the system. There are great opportunities for us if we care to take them, if we encourage and support those whistleblowers to come forward. We might have to shift our thinking a bit to try new things and come up with new ideas, but the outcomes will be better for us all if we encourage those whistle blowers to come forward.

I wish to record my support for the proposed amendments put forward by the Australian Greens. These amendments are in line with the recommendations made by the Senate Rural and Regional Affairs and Transport Legislation Committee during their inquiry into the bill. So I would like to hear from both the government and the opposition why they appear not to support those amendments. The committee did its work, and Senate committees do a particularly outstanding job of analysing legislation, hearing evidence, hearing the facts and making recommendations to improve legislation. These amendments are straightforward and common sense and they will help the bill stay true to its intentions. I strongly encourage my colleagues on both sides to support them.

This bill and the technology it introduces is an important step in improving our airport security but it is only part of the process. We need to heed what occurred to Mr Kessing. We need to heed his report and the Wheeler review and the fact that it appears those recommendations have not been carried out fully. Just because this is a big and visible step does not mean it is the only one we should take. It is important to be seen to be taking action, but sometimes the small things are the details which can have the biggest impact. The fact that there seem to be some serious problems with airport security cards is a real worry.

I encourage the government to continue its reforms but also call on them to conduct greater consultation with people who work in the industry, to encourage whistleblowers to come forward and to heed the information on the ground, which can be the most valuable in deterring terrorists. If the government wants to be true to its word and true to its 2007 election manifesto, about looking out for Mr Kessing in particular, they can start by giving him a full and absolute pardon for his reports back in 2002 and 2003 and to overturn what many regard as a wrongful conviction.
Senator IAN MACDONALD (Queensland) (10:16): All politicians who participated in the debate on the Aviation Transport Security Amendment (Screening) Bill 2012 should perhaps declare an interest in it because we, as a group of Australians, use airlines perhaps more than most other groups of Australians. We are very conscious of aircraft, airlines and air travel safety. Madam Acting Deputy President Crossin, you are from the Northern Territory and would also experience this: each day you see more and more Australians on aeroplanes going to work, very often in their fluoro jackets and steel-capped boots, and so air travel in Australia is a very common exercise for a lot of people. That is why it is important that the government of the day continue to work towards maximum safety and security for all those who are travelling in aeroplanes.

The security and safety of our transport system is a matter for the national government and a matter that the national government, using its funds collected from the taxpayer, should fund. Whilst I am gratified to see this further step forward, I take note of what Senator Xenophon has just said: that there are perhaps other things we could be doing. I digress by saying I was recently, as part of the defence subcommittee, with the Defence Science and Technology Organisation in Adelaide. Of course I cannot say too much about what was happening there, but I can say how gratified I was to see the work that the DSTO is also doing on matters of airline safety.

It is important that the Australian government and the Australian taxpayer take the maximum steps possible to secure the safety of our skies. That is why I am particularly concerned about the way this particular program has been implemented by a government that has shown itself to be quite incapable and inept at administering any program. I raise today the instance of the airport on Horn Island in the Torres Strait. Again as you would know, Madam Acting Deputy President, as one who travels widely in the more remote parts of Australia, using an aircraft to get to Horn Island and the Torres Strait is not a luxury; it is the only way you can get there. The costs of living on Thursday Island are notoriously high, obviously because of the transport costs into the area. The average cost of a return airfare from Cairns to Horn Island or Thursday Island is $623. The cheapest you can get this week is $540; the highest is $716. That is just to get from Cairns to Thursday Island. If you live on Thursday Island and you want to go to school or a doctor or visit relatives, you do not have the option of jumping in your car and driving there; you have got to go by air. There is only one airline operator—they provide a very good service, but it is not cheap. Double the price from Cairns to Thursday Island, and you could almost fly from Sydney to London return these days. I only mention that to show how very expensive it is to live on Thursday Island or the other islands in the Torres Strait.

In addition to the normal extra costs of living in those parts of the world—and I cannot let this or any debate go by without emphasising this to a government which seems uncaring—you add the carbon tax to the price of airline fuel and other costs, and the cost of living for people living in that part of remote Australia is exacerbated. It increases exponentially beyond that for every other Australian, and every other Australian knows the impact that the toxic carbon tax is having on their cost of living. In the Torres Strait, it is even worse. On top of that, you then have the aviation transport security amendment, which has required Thursday Island airport at Horn Island to install this facility to screen everyone.
I say to you, Madam Acting Deputy President, again as a Northern Territorian, that you would know what I am talking about here. If you are worried about the security of Australia, I have to tell you that people getting on a plane in Horn Island are low priority. Thursday Island and the other Torres Strait Islands are just a few kilometres from another country, Papua New Guinea, where TB is rife and where there are different things—and let me say there is more than that—that come through the chain from PNG down through the islands into North Queensland and into a wider Australian operation. There are illegal immigrants looking at getting into Australia through those areas.

Whilst it is great to hear the government insisting that Horn Island gets its screening facility, at the same time they remove the only Navy patrol boat that was based on Thursday Island and which used to participate in it. I have had reports this last week that the 51st Battalion, Far North Queensland Regiment, which is the eyes and ears of the Army in Northern Australia, has had its training areas cut back. I am told that the Customs facility, which used to be on Thursday Island in strength, has been decimated. They are the real issues. If the Gillard government is interested in the security of Australia then it should be actually increasing funding for those front-line security enhancements rather than insisting that Horn Island Airport install a screening facility to screen the people who move through that airport.

Again, Madam Acting Deputy President, you would understand the accuracy of this statement: most people on Horn Island, Thursday Island and the other Torres Strait Islands know everybody else. If there is a terrorist in the islands, most people would know about it fairly quickly. Most people at the airport know each other, and they know that when people come through in suits they are politicians from the south or public servants from Canberra—and a lot of them come through.

The government has insisted—in its inimitable way of messing up the administration of any good policy—that this airport have this screening facility by 1 July 2012. I suspect that not many in this chamber have been through Horn Island Airport. It is part of my electorate in the state of Queensland; I go there regularly. I know Senator Boyce goes there quite a bit as well. I sure hope Senator McLucas does. I am disappointed that Senator McLucas, based in Cairns, has not been out there trying to help the people of the Torres Strait Islands on this particular issue.

The Torres Strait Island airport, Horn Island Airport, is owned by the Torres Shire Council. It has to operate it as a commercial business. I am told that already, to help with the administration of that airport, the Torres Shire Council imposes a passenger movement charge of $27.50. That is just to make sure that it can continue to operate that essential facility. I repeat: to get in and out of the Torres Strait Islands, you have to go through that airport. There is no other way of getting there. Do you know, Madam Acting Deputy President, what that passenger movement charge of $27.50 imposed by the shire council has increased to since 1 July because of this screening facility? An additional $30. So, on top of the expensive airfare to get schoolchildren from the Torres Strait to Cairns and back, they now have to pay a $57 passenger movement charge; $30 of which has been imposed to pay for this facility.

To give credit where credit is due—if you call it credit; I am not quite sure that you would—when this was introduced, the government said: 'Yes, we will put in some
money. We will put in $650,000 to help you buy the equipment.' Buying the equipment is okay, but in the Torres Strait you have to house it somewhere. The terminal is small and the council has said that it has to either add to its existing terminal or build a new terminal at a cost of $7 million or $8 million or $15 million; I forget what it was. Whatever it was, it does not matter, because it is way outside its financial capacity. This is a council, I might say, that has very few ratepayers; it has a lot of financial assistance grants but not much other income. So it has to either build a new terminal or add to its existing terminal to house this screening facility, for which the government generously gave it $650,000.

That had to start from 1 July. The council had no chance from when it was advised this had to happen until 1 July of extending the existing airport or building a new air terminal to facilitate and house this screening equipment. So what did it have to do prior to 1 July? It had to build a new temporary facility at a cost of, I think, several hundred thousand dollars—and I think I am being light there. It had to build this new facility adjacent to the existing terminal. It got a couple of containers, cut them up, cemented them in and put in the screening facility. It is making people walk out of the terminal, through the tropical sun or rain, down the street and in through these containers, so they can be screened and then get on their aircraft and go to school or hospital in Cairns.

Again, Mr Albanese, in the typical generosity of the Gillard government, announced a program providing $4.9 million in funding assistance to help various regional airports in accommodating this. Of that $4.9 million, the Torres Shire Council was allocated $460,000. 'Very generous', one might say? But it is on a dollar-for-dollar basis. So the government will put in $460,000, providing that the Torres Shire Council puts in $460,000, but that council does not have one cent to put into that $460,000. It is a council that looks after Thursday Island. As I say and I repeat, it has a limited rate base and a limited income base. It has no means of getting its part of the $460,000. So, even to look after the temporary facility, up go the charges to get out of the airport from $27.50 to $57.50.

The total cost of installing the screening facility, I am told, is $2.48 million. The initial $650,000 was provided by the government. If it were able to get the $460,000 that Mr Albanese has promised, provided it can match it dollar for dollar, the total funding would have been just over $1 million, leaving a shortfall of $1.141 million that somehow the Torres Strait shire council has got to find from somewhere. I would have thought that Senator McLucas, who claims an interest in Far North Queensland and the Torres Strait, would have been jumping up and down until that council got some fairness and equity.

I have gone at some length to the figures as I understand them for the Horn Island Airport in the Torres Strait. Can I just emphasise that, whilst I relate specific figures in the specific locality, the same thing has happened everywhere across regional and remote Australia. It is a decision, again, of a government that has little interest in Australia beyond Brisbane, Sydney, Melbourne and Adelaide. It is all very well to put in these great enhancements, which the taxpayers as a whole should be paying for. It is good of the government to make air travel safer through screening. But please remember the pink batts. There is more to good policy than just announcing it; you actually have to implement it. If you are implementing it, you have got to understand that there are many Australians who already pay through the neck because they live in

---

CHAMBER
remote parts and this sort of policy that we are debating today really means that this remote community is going to really get it in the neck financially.

I repeat myself again: in the Torres Strait there is no other way of getting in and out. A lot of Torres Strait children go to universities and schools in Townsville and Cairns because the same opportunities are not available in that part of remote Australia. It is a matter of necessity; it is not a matter of choice—they have got to go through that airport. The cost of living in the Torres Strait is already enormous. The carbon tax is going to exacerbate that. On top of that we have this great safety decision of the government to install this screening, but they leave it to the local shire council, which means the local people, to actually house it.

I see the minister taking some interest. Whilst I am, as usual, being political and emphasising the political points and the toxicity of the carbon tax, I do hope that the minister might at least investigate what I am saying and perhaps try to help those people in remote Australia. We all know that Torres Strait Islanders are not in the most wealthy quartile of the Australian population. There are a lot of public servants up there, but most of the locals work and earn an income, but not the sort of income that allows them to pay $716 just to fly down to the nearest place where there are senior hospitals, schools, boarding schools and universities. That is a cost of living. On top of that is the normal $27.50 passenger movement charge, because it is the council that runs the airport—nobody else—and then on top of that an additional bill of $30 per passenger to move through the airport to pay for this. I am told that some of the cost is being passed on to Qantas, which takes the air service there. But naturally Qantas is a business and you would expect it to do nothing other than pass whatever its additional cost is on to the passengers. So up go the airfares again.

I conclude by again saying, yes, we want security in our airlines and we do need transport security facilities. This is a step towards doing that, but it should be paid for by Australia as a whole. It should be paid for—could I suggest, rudely perhaps—by Canberra public servants paying their taxes, as well as every other Australian paying their taxes. It should not be lumbered onto the people of Torres Strait, who have a huge additional cost just to have this screening facility installed at Horn Island Airport. As I say, I hope the minister may, whilst rejecting my political rhetoric, at least have a look at the issues I raise and see if there is some way that the government can further assist places like the Torres Strait or other parts of regional Australia who are in real difficulties and have real unfairness thrust upon them by the implementation of what should be a very good policy initiative.

Senator KIM CARR (Victoria—Minister for Human Services) (10:36): I thank senators for their comments in their contributions to the debate on the Aviation Transport Security Amendment (Screening) Bill 2012. The government are very concerned about ensuring that we are able to operate our airports with the highest level of safety possible and that the travelling public has the confidence that all actions have been taken to protect their safety while at the same time protecting their privacy and their health, and that is what this particular amendment bill seeks to do. The passage of the bill will help ensure the safety of the 13 million people who depart from Australia's international airports each year and, of course, optimise security for domestic travellers as well.

I have listened carefully to what has been said around the chamber, and there have
been opportunities to canvass some of these issues, no doubt, through the committee stages of the bill. Senator Macdonald was at least gracious enough to acknowledge that his comments were political—

Senator Ian Macdonald: Some of them.

Senator KIM CARR: He did pursue a political line of argument, so we should not take everything he says at face value. But, in regard to the effects on Horn Island, I asked the officers from the department and from the minister's office to provide some information as to the cost of the screening.

The policy is designed to cause as little impact as possible to business and, of course, to ensure that a safe and secure aviation system remains a No. 1 priority for the whole nation and not just for any particular airport but for the entire airport system. I am advised that the government has provided assistance to Horn Island Airport so it can comply with the aviation security requirements. The government has provided funding both for the purchase of the security equipment and to assist with the infrastructure modifications that are required for the installation of that equipment. That comes to a total of $1,110,000 for the Horn Island Airport.

The average cost of each body scanner, I am told, is $230,000. The Horn Island Airport received significant funding through the government for the expansion of its infrastructure in 2011. The government contributed funding of $4.65 million for the Department of Families, Housing, Community Services and Indigenous Affairs; $340,000 for the Department of Infrastructure and Transport; and $100,000 for the Department of Regional Australia, Local Government, Arts and Sport. That funding is in the context of each body scanner costing, as I said, $230,000. So there is quite clearly a significant discrepancy between the propositions that were put to this chamber today by Senator Macdonald and the amount of assistance that the government has provided to Horn Island.

I look forward to the swift passage of this bill. As many have indicated already, there are many other matters that need to be dealt with by this chamber.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RHIANNON (New South Wales) (10:41): I move Greens amendment (1) on sheet 7257:

(1) Schedule 1, item 1, page 3 (line 18), at the end of subsection 41A(2), add:

; or (c) the procedure is a body scan and, as an alternative, the person chooses to undergo a frisk search.

The essence of this amendment is that airline passengers who are randomly selected for a body scan would be able to opt out and opt for an alternative screening method without having to provide any reasons, such as a medical certificate, a letter from a doctor or any other justification of their physical ability. The law currently allows for a person to choose a frisk search over another screening procedure, such as a body scan. It is worth remembering what the current law states:

If a person chooses to undergo a frisk search as an alternative to another screening procedure, a screening officer may frisk search the person to the extent necessary to screen the person properly.

That is what we could be about to lose. This is an important privacy provision, and it should be kept in the bill. It is relevant to repeat what Minister Albanese said in an interview on 9 February 2010. He stated:
... we'll be having full consultation and involvement with the Privacy Commissioner, with other organisations … including looking at health issues…

He did go on to say:
But we have a responsibility to use the best technology available.

But, as I said, he spoke about full consultation around the issue of privacy.

It is also interesting to look at the recommendations that came from the Senate committee inquiry. Yes, it was rushed, but the inquiry, made up of many senators here from the various parties, did consider the 16 submissions that came forward, heard from some witnesses and came forward with recommendations, including the important recommendation 1, which states:

The committee recommends that the use of frisk searches continue to be an alternative screening procedure at Australian international airports and, accordingly, that the bill not repeal section 95A of the Aviation Transport Security Act 2004.

Minister Carr, this recommendation was not accepted. Could you explain why that was the case, considering Minister Albanese gave a commitment that there would be consultation? Why wasn't this opt-out provision allowed to stand?

**Senator KIM CARR** (Victoria—Minister for Human Services) (10:44): So I do not have to repeat myself, I will speak to both Greens amendments (1) and (3), as the thrust of both is the opting-out provisions. This amendment seeks to retain the frisk search as an alternative screening procedure at international airports. I am advised that we want to emphasise that this is for international travellers. This is not for every domestic traveller; it is for international travellers. In response to the amendment specifically, I would like to assure members of the Senate that frisk searches will continue as an alternative screening procedure for any passenger who has a legitimate reason for why they cannot be screened with the new technology. Currently, passengers who are unable to pass through a walk-through metal detector because they have a pacemaker or are confined to a wheelchair, for instance, are able to have alternative security arrangements made.

These arrangements will not change with the introduction of body scanners. If a passenger is selected for a body scan and they have a medical or physical reason that prevents them from being scanned, they will be screened using a frisk search. However, the amendment bill will mean that a person selected for a body scan who does not have a legitimate reason why they cannot be screened by a body scanner will not have the option of choosing to undergo a frisk search instead. The reason for this is that the style of frisk search currently used at Australian airports simply cannot provide the same security outcome that the body scanners can. The only method of screening that could provide a similar security outcome to that of a body scanner is the type of invasive body search that is conducted overseas. The government remains resolute in not introducing invasive body searches as part of our airport security arrangements. As such, section 95A must be removed in order to close this loophole in which an individual with an intent to cause unlawful interference with aviation may opt out of the body scan and undergo a less comprehensive screening measure in order to avoid detection.

**Senator JOYCE** (Queensland—Leader of The Nationals in the Senate) (10:46): The coalition will not be supporting this. Having just come back from overseas, I have to be honest and say that the units that are used are far less confronting and invasive than having to be searched. At one stage I had to go through the indignity of the search and, to be honest, I would much prefer to stand in the booth.
The reason that everybody is going down this path is that some very bad people decided to fly a plane into a building and then to fly another plane into another building. They persisted in that, with breaches right up until Christmas Day in 2009. People have now gone to the next stage and are trying to take different liquids in different forms onto planes so as to create combustible materials. The result of this is that people die. Also, a pervasive sense of unease has come over international travel. People are not doing this because they want to; they are doing it because of the public demands that safety be paramount. If these issues were not there, we would not even need metal detectors, and there was a stage where we did not have them. This has been brought about because of the global circumstances in which we unfortunately live.

As stated, if there is a clear medical reason why someone cannot go through the scanner, they still are able to be searched. But I think this will become part and parcel of international travel, just as metal detectors are. We come into this building every day and we go through a form of security. If we had talked to people about it 10 to 15 years ago, they would not have comprehended it, but nobody actually blinks an eye at it now. We have to make sure that our duty is, first and foremost—as onerous as it may be in some instances—to the protection and security of the Australian travelling public and, second, to be part of the international effort in making sure we make the confines in which terrorists operate as narrow as possible and as marginal as possible.

Senator RHIANNON (New South Wales) (10:49): Air travel safety clearly is a priority, and we have the responsibility to get that right. So many of the authorities in this area have identified what they often call a layered approach. One of the Greens’ concerns is that, because of the way this bill is constructed, it can result in a false sense of security by putting so much emphasis on these full body scanners.

I note that Senator Joyce, both in his contribution to the bill and in his comments now, referred to his overseas visit. I understand that he went to the United States, but what he failed to share with us is that in the United States, as in Canada and in the Netherlands, they do use body scanners but they allow people to opt out in favour of a frisk search. So, again, that privacy issue is respected. They get the balance right and it certainly addresses some of the points that the minister made.

There has been a change here. It is correct, as the minister said, that people can request a frisk search, but they have to provide proof—they have to explain their circumstances. I put to my colleagues in this place the very unpleasant position that that can put many people in—people who may have a prosthetic body part for some reason. They would then have to explain that to a stranger, to a security person. I think that is wrong. I think there is a way that we can manage this—that is, by retaining section 95A. I want to ask the minister: did you consider recommendation 1 set out in the report of the inquiry? There was also a recommendation from the Australian Airline Pilots’ Association along similar lines. Clearly they have a lot of experience in this area and have a lot vested in it, considering the day-to-day involvement of their members. I am interested in whether the government considered their recommendation: That the Australian Government follow the lead of its counterparts in the United States of America and Europe and direct that screening of passengers using any active body scanning technology be conducted on a totally voluntary basis.
Were those two recommendations considered? If they were, why were they not acted on? If they were not considered, why was that?

Senator KIM CARR (Victoria—Minister for Human Services) (10:52): I thank the senator for her question. I can indicate that the government has considered these alternatives and has rejected the approach that is being taken. I would ask you to consider the changes that have occurred in the Australian aviation industry in recent years and, in fact, in the international aviation industry. You would have to agree that there has been a very, very substantial response and success in securing the safety of the Australian and international aviation industries from attacks by terrorists. That is something I think we would all applaud. There is a basic civil and human right to be able to get on a plane and not be blown up. Frankly, 13 million Australians would look to that right to be enforced by governments and they would look to this parliament to enforce that right.

As to alternatives, it is suggested that we should look to the American airline system as an alternative to ours. It is the sort of thing people talk about until they actually experience the American airline system. I have found that people who complain about Qantas service do so until such time as they have experienced the American airline system. The US frisk searches in particular are notorious—absolutely notorious, Senator—for being very intrusive. I am advised that the American regulations actually require 'the running of the hand up the inside leg to the point of resistance'. That is the method by which they establish the security of their airline system. If you think that is an improvement, I suggest it is not an approach that the government could support.

Senator IAN MACDONALD (Queensland) (10:54): Senator Joyce has indicated that the coalition will not be supporting this, and of course I support that position. I acknowledge that we are talking about international travel, but I say to the mover of the amendment that this is the first step. Perhaps it would lead to this occurring domestically. Could you then think what this might do to an airport like Horn Island in the Torres Strait? Perhaps Horn Island might even be considered an international airport; everyone is aware that a lot of PNG nationals come down through the Torres Strait from PNG, get on a plane in Cairns and travel elsewhere in Australia. Should it be introduced domestically, it is a cost that will be imposed on a small airport like Horn Island, run by the Torres Shire Council, which is struggling to even cope with the cost of installing the screening facility.

I emphasise to the minister that in my speech I did acknowledge that the government had funded, according to my figures, $1.338 million from various sources, but the total cost is $2.48 million. So there is a shortfall of $1.14-odd million that the Torres council has to try and find. It has already increased the passenger movement charge from $27.50 by another $30 per head. It just means that the costs of living in this remote part of Australia are going to be exacerbated. I acknowledged what your government and other governments have provided to the Torres Strait, but in relation to this particular facility there is this shortfall that the council, quite frankly, has no idea how it is going to fund.

In joining my colleague Senator Joyce in opposing this amendment, I repeat: if this were made mandatory around airports in Australia, how would an airport like Horn Island cope if every second passenger opted to have a frisk search instead of walking through the screening apparatus? It is just an
additional burden. If Senator Rhiannon were ever successful in getting this implemented, I would hope that she would add as a rider to any implementation of a new system or arrangement that the additional costs involved in doing this be borne by the taxpayers as a whole rather than, in the case of Horn Island, by a very small group of people who are simply unable to afford even the screening facility that they are required implement now.

Senator RHIANNON (New South Wales) (10:57): The issue of costs has been brought up, but what is more relevant here, if we want to talk about costs, is that that is actually one of the reasons the government has given for making this change. The minister has said that it would be more cost effective for the industry to force people to take a body scan than to offer the alternative of a frisk search. It really is not acceptable to justify removing an opt-out provision on the grounds that it is more costly to preserve people's civil liberties. Again, we could get it right here and it has been shown in many other jurisdictions how that can be done.

To comment briefly, I was obviously disappointed in the minister's comments. Considering the position the government has locked itself into, I would like to share with my colleagues a comment Civil Liberties Australia made to the inquiry. They argued: … where freedom of choice is practical, it should be offered to Australians in all possible circumstances.

These principles were upheld by the Senate inquiry. I note the minister failed to answer my question regarding if and how the recommendations from the Senate inquiry and from the Australian Airline Pilots' Association submission were considered.

The evidence provided to the inquiry did not demonstrate that there will be a reduction in the level of security if the current arrangement for a frisk search as an alternative screening procedure is continued. That is the essence of it. We are here to ensure the safety of air travel and there is the expert evidence that it would not be compromised, so why is the government going down this path? That is a question that still has not been answered.

Question negatived.

The TEMPORARY CHAIRMAN
(Senator Marshall): The question is that item 4 on Schedule 1 stand as printed.

Question agreed to.

Senator RHIANNON (New South Wales) (11:00): I move Greens amendment (2):

(2) Schedule 1, item 3, page 3 (after line 28), after subsection 44(3A), insert:

(3AA) Body scanning equipment of a kind that has not previously been used for the screening of a person must not be used for the screening of a person unless equipment of that kind has been:

(a) tested for compliance with health standards prescribed by the regulations; and

(b) found to comply with those standards.

(3AB) Body scanning equipment that uses ionising backscatter x-ray technology must not be used for the screening of a person other than in exceptional circumstances. If such equipment is to be used for the screening of a person, the regulations must set out what those exceptional circumstances are.

I will first deal with the first section, 3AA. In summary, this is that the government should ensure that the screening technology is thoroughly tested for compliance with health regulations. Interestingly, this was another of the Senate committee's recommendations that the government should ensure that all screening technology is thoroughly tested for compliance with health regulations—that was recommendation 3 from the inquiry.
The health concerns of this technology are very significant for frequent flyers, workers at airports, cabin crews and airline pilots. It is an issue that was also taken up strongly in the Australian Airline Pilots' Association's submission, which had a lot of useful information in it. They argued that for a large percentage of the travelling public, understandably, there would be minimal exposure to body scanning equipment and therefore minimal health risks; however, the health risk is exacerbated for that group that I have just mentioned: people who are working at airports and frequent flyers. These people, they state, could have higher exposure rates of between 200 and 400 times per year and possibly significantly higher. Crews have to change between aircraft, terminals, flights or domestic/international operations and could be screened multiple times during a single-duty period.

They also went on to argue that pilots and cabin crew should not be subject to body scanning as they have already undergone rigorous security assessments and have been issued with airport security identity cards. Pilots and cabin crew have these, and they argue that they should be entitled to work in and around aircraft as part of their normal duties, obviously with the identification being shown as required. Those provisions surely should be taken into account.

Considering we are dealing with a very important health issue, I would like to ask the minister why they did not accept those recommendations, considering again, Minister Albanese, in that comment that I shared with members earlier from 2010, said there would be consultation on this very issue of the health impacts. What was the response to that recommendation?

Senator KIM CARR (Victoria—Minister for Human Services) (11:03): The government has considered this approach.

There has been extensive consultation, and the result of that consultation has meant that the government has chosen an alternative approach. It has considered these recommendations and rejected them. In terms of the specifics of this amendment, I will just indicate the government's attitude to these matters. I also understand that amendment (3) will be subsequently put and I have already indicated the government's opposition to it—or it is not proceeding?

The TEMPORARY CHAIRMAN (Senator Marshall): We have dealt with it.

Senator KIM CARR: Amendment (3)?

The TEMPORARY CHAIRMAN: Yes.

Senator KIM CARR: The amendment requires that all body scanning equipment be tested for compliance with health standards prescribed by regulations. That might sound reasonable enough on the surface of it and it should apply to health regulations. The amendment in fact is redundant, because that is exactly what this bill does: all screening equipment used in Australian airports must of course comply with Commonwealth and state and territory laws and regulations.

ARPANSA, the Department of Health and the Therapeutic Goods Administration have each given consideration to the introduction of the millimetre-wave body scanners. The only health related regulation that applies to the use of these devices is the ARPANSA standard 'Maximum exposure levels to radiofrequency fields—3 kHz to 300 GHz'. This is the amount of energy that is emitted by the millimetre-wave body scanner during a scan, which of course I might remind senators is thousands of times lower than the maximum permissible exposure level for the public, which is outlined in the ARPANSA standard itself. So it is simply unnecessary to replicate in the Aviation Transport Security Act a requirement to meet the standard that already exists.
I wish to turn to the additional matter that is being raised through these amendments—
that is amendment (2)(3AB), the particular types of technology that are being sought to be deployed. This amendment would seek to limit the use of ionising backscatter X-ray equipment for security screening to certain, clearly defined and exceptional circumstances. The government’s view on this matter is that we can assure members of this chamber that the government has no intention of introducing body scanners that use ionising X-ray technology for aviation security screening.

The Aviation Transport Security Act 2004, in any event, is not the appropriate place for regulations of this type on the use of radiation technology. The Australian Radiation Protection and Nuclear Safety Act 1998 exists to protect the health and safety of people from the harmful effects of radiation. The Australian Radiation and Protection and Nuclear Safety Agency is charged with the responsibility of administering that act. Furthermore, each state and territory has its own legislation with regard to radiation protection so that any equipment that uses ionising radiation must be licensed for operation by either ARPANSA or the appropriate state and territory radiation authority.

ARPANSA, in connection with the state and territory radiation regulators, has formal mechanisms in place to ensure that any proposal to use ionising radiation on humans for non-medical purposes is fully justified before a licence is issued. The justification process is in fact rigorous and takes into account consideration of the benefits of the proposed activity versus the potential risks to human health. The justification is also assessed based on whether the same outcome can be achieved by an alternative form of technology. It is the government’s view that the current radiation protection regulatory framework is robust, and it is there to ensure that the only equipment that meets the highest health and safety standards is in fact introduced. As such, any restriction of the type that is being proposed in this amendment would be unnecessary.

**Senator JOYCE** (Queensland—Leader of The Nationals in the Senate) (11:08): The coalition will not be supporting this. We understand the concerns that Senator Rhiannon alluded to, but we believe they have been more than dealt with as stated by the minister. I also note that the wave scans are within the limits set by the Australian Radiation Protection and Nuclear Safety Agency and that an assessment by the US Transportation Security Administration confirms the technology emits 10,000 times less radiofrequency than the average mobile phone call. So, unless you are going to take up residence in the booth and raise a family, you should be pretty right.

**Senator RHIANNON** (New South Wales) (11:09): Thank you, Minister, for the explanation. But, again, I do not think it is going to give confidence to those who work regularly at airports who will be subject many times to this machinery and therefore to the potential radiation. While you have said they comply with health standards, what you have not spelled out and what I understand is a failure here is the cumulative impacts on people who are regularly being exposed to this form of screening. This has not been assessed. I think there has been limited work done on that. That is why I would ask you to provide more information on that specific point.

I take you back to the submission that came from the pilots association. They made the point that their people could be exposed to this form of screening 200 times or 400 times, or maybe even more, each year. They said that sometimes just on one shift people
moving around the airport could be exposed to this screening many times.

It is serious. It clearly needs to be given more serious consideration. My understanding is that the health standards have not looked at that problem of the cumulative impact. Could you provide information on what work has been done in this area, please?

**Senator KIM CARR** (Victoria—Minister for Human Services) (11:10): The advice that I have been provided with says that, firstly, in terms of the nonionised radiation, there is no evidence of cumulative effects. In regard to the mechanism by which the standards are set, ARPANSA takes these questions into consideration. There are regulations that meet those standards. In terms of any additional material you are seeking as to the details of research projects on this, we will have to take that on notice.

**Senator RHIANNON** (New South Wales) (11:11): Thank you. Minister, I would be interested especially in the report that states that there are no cumulative impacts. If you could take it on notice to supply that report as well, please.

I want to move on to 3AB, and ask the minister some questions about that. I am interested that the government says it has no intention of introducing the ionising radiation form of screening—and Senator Carr has reiterated this point that Minister Albanese has made on a number of occasions. If that is the case, why don't you support a ban on the use of ionising backscatter radiation equipment?

The European Union has banned the use of such scanners because of possible health risks. This is the opportunity to get it right, to get it into law and to get the ban in place. Backscatter scanners continue to be used in the US, but there at least passengers have the right to request a frisk search as an alternative.

We have a ban in place in the European Union, and here the government is leaving the door open to this very dangerous technology being introduced. Again, that was a recommendation that came from the Australian pilots association. I would ask the minister what the government's response is to that recommendation and why the ban has not been included.

**The TEMPORARY CHAIRMAN (Senator Marshall):** The question is that Greens amendment (2) on sheet 7257 be agreed to.

The committee divided. [11:18]

(The Chairman—Senator Parry)

Ayes ...................... 10
Noes ...................... 40
Majority ................ . 30

**AYES**

Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS
Wright, PL
Xenophon, N

**NOES**

Back, CJ (teller)
Bilyk, CL
Bishop, TM
Boyce, SK
Brown, CL
Cameron, DN
Carr, KJ
Carr, RJ
Colbeck, R
Collins, JMA
Conroy, SM
Crossin, P
Eggleston, A
Evans, C
Farrell, D
Feeney, D
Fifield, MP
Furner, ML
Gallacher, AM
Johnston, D
Joyce, B
Ludwig, JW
Lundy, KA
Madigan, JJ
Marshall, GM
Mason, B
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Polley, H
Pratt, LC
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M

---

**CHAMBER**
Question negatived.

**The CHAIRMAN** (11:20): The question now is that the bill stand as printed.

Bill agreed to.

Bill reported without amendment; report adopted.

**Third Reading**

**Senator KIM CARR** (Victoria—Minister for Human Services) (11:21): I move:

That this bill be now read a third time.

The Senate divided. [11:25]

(The Acting Deputy President—Senator Marshall)

Ayes......................38

Noes......................9

Majority................29

**AYES**

Back, CJ
Bilyk, CL
Bishop, TM
Boyce, SK
Brown, CL
Cameron, DN
Carr, KJ
Carr, RJ
Colbeck, R
Conroy, SM
Crossin, P
Eggleston, A
Farrell, D
Feeney, D
Furner, ML
Gallacher, AM
Johnston, D
Joyce, B
Ludwig, JW
Lundy, KA
Madigan, JJ
Marshall, GM
Mason, B
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Polley, H (teller)
Pratt, LC
Singh, LM
Smith, D
Stephens, U
Sterle, G
Thistlethwaite, M
Thorpe, LE
Urquhart, AE
Xenophon, N

**NOES**

Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS

Question agreed to.

**Bill read a third time.**

**Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator MASON** (Queensland) (11:28): The objectives of this bill, the Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012, are twofold. Firstly, the bill reinstates the student contribution amount for mathematics, statistics and science units of study to its pre-2009 level for domestic students commencing a course of study on or after 1 January 2013. Secondly, the bill removes eligibility for Commonwealth supported places and the Higher Education Loan Program schemes for Australian citizens who commence a course of study after 1 January 2013 and who do not intend to reside in Australia during the course of their study.

As such, the bill represents a reversal of Labor’s 2007 election commitment. The discount on the student contribution for mathematics, statistics and science courses was first introduced by the Rudd government in December 2008 to take effect from 1 January 2009. Ms Gillard was the minister for education at the time, but I think it is fair to say that the real driver of this policy was Mr Rudd himself. The aim was to encourage more students to undertake mathematics, statistics and science courses, which were identified as being areas of domestic need for
graduates. It has long been a concern, but this initiative only survived for four years. Its reversal stems from the midyear economic forecast for 2011-12 announced on 28 November 2011. The minister responsible for tertiary education, Senator Evans, has said the reason maths and science undergraduates would have to pay the full rate of student contribution, which will raise the contribution from $4,691 to $8,353—not quite double, but certainly a significant increase—was that the government's policy of making them national priority areas had simply not delivered a noticeable difference in the country's dearth of maths and science graduates. It has not made much of a difference. To be fair, the government also argued that this student contribution discount was opposed by Professor Denise Bradley's 2009 review of higher education in Australia. I think that also is fair enough, and it is true, but I think it is also fair to say that much of the impetus of this measure derives from it being a significant savings measure—and in these times of fiscal austerity I can understand that as well.

In the same vein, the removal of eligibility for Commonwealth supported places and the Higher Education Loan Program schemes for Australian citizens studying overseas also implements a 2012-13 government budget announcement. The removal of eligibility for Commonwealth supported places and the HELP schemes for Australian citizens who commence a course of study after 1 January 2013 and who will not be resident in Australia for any of their course of study will affect those Australian citizens who are living overseas and intend to study online with Australian providers. Students undertaking study as part of a formal exchange or study-abroad program for some of the units in their course will not be affected. The government has said that, and that is correct. The government believes its funding priority should be to support those students who are most likely to pursue careers in Australia, commence repayment of their HELP debts and use their education to benefit Australia's workforce and the economic needs of our country. While the language is one of fairness—and I endorse the government's language at least—here too the budgetary considerations have undoubtedly played a role.

Let me take you to the bill's main provision. The removal of the discount will affect all those who are currently undertaking maths, statistics and science courses from 1 January next year, so they will have to pay the full student contribution for any units commenced after 1 January next year. The government argues that the majority of students undertaking maths and science units following the discount coming into place in 2009 were not enrolled in a maths or science course of study, nor were they studying an education course. So it seems clear that, as far as providing incentives, the HELP discount encouraged more students to take maths, science and statistics units, but as part of their arts and other degrees. But the government claims that it did not substantially increase the number of maths and science graduates in the workforce—and, of course, that was the original intention of the subsidy—and it did not improve the supply of maths and science teachers either. So, in effect, the policy intention of the subsidy was never fulfilled.

This is clearly a problem—and all honourable senators know that—not just here in Australia, but in other developed nations and often throughout the English-speaking world. I know it is a problem in Great Britain and in the United States. Australia is simply not producing enough engineers and enough scientists—professionals who build, construct and develop things, as opposed to professionals who work in the realm of
words, ideas and services—professionals like senators. We are not producing enough to sustain an advanced economy that does not simply consume or produce intangibles, but also leads in development, innovation, research, manufacturing and construction. These are the drivers of future economic growth and productivity growth, not just the production of knowledge, but also the production of applied knowledge and the capacity to apply that knowledge. The Chief Scientist, Professor Ian Chubb, noted in his 2012 report entitled *Mathematics, Engineering and Science in the National Interest*:

> Mathematics, Engineering and Science (MES) are fundamental to shaping the future of Australia, and the future of the world.

Our future lies in creating a high technology, high productivity economy; to innovate and to compete at the high-end of provision. To do so, the technical skills and scientific awareness of the entire workforce must be raised. The number of MES graduates needs to increase to allow industry to expand in these areas. Yet our current performance is wanting, and we compare poorly to our leading Asian neighbours.

Many of the developing countries around the world, particularly in our region—those in Asia and East Asia—seem to understand that, but in Australia we have either forgotten or we find it hard to understand.

Our society has shifted—for we are indeed talking about a societal change—and the aspirations, dreams and interests of our young people have seemingly shifted. Without wanting to yearn for a golden age, I do recall when I was young that I wanted to be an astronaut and I wanted to build and make things. Instead I became a lawyer and went into politics, so I did all the wrong things! But when I was growing up in the 1960s and 1970s, there were different cultural aspirations which have now largely changed. At that time, scientific and technical careers seemed exciting to me, with the challenge of exploring the solar system. You might recall, Mr Acting Deputy President Marshall, solving problems and building things. Presents I received as a child included things like microscopes, telescopes and chemistry sets. That is how it was back then. Forty years later, it is no longer so. It is neither the time nor the place to work out why that has happened and to debate the cultural change, except perhaps to realise that it has happened. I do not think there is any doubt that that has occurred.

I cannot help but think that part of the explanation for the change might be that the war on science and technology that has been waged over the past four decades by some parts of the environmental movement, some parts of the media, some parts of the entertainment industry and indeed the intelligentsia—sometimes for good reasons, I acknowledge, but more often for quite preposterous ones—is finally coming home to roost. So many young people in the last few generations have been brought up in what I might call a techno-pessimistic world. More often than not, science has been seen as creating problems rather than solving them. Science has been seen not as the solver of problems but as the progenitor or creator of problems. Technology, growth and development are too often seen as destroying the world rather than saving it. The narrative about science and technology has been one of countless scares and horror stories: nuclear energy, global warming, pollution, carcinogens, resource exhaustion, exploitation of nature, destruction of the environment for the sake of development, scarcity, man-made natural disasters and so on. That can inculcate a certain technophobia among young people.

Generation X, Generation Y and, indeed, the Millennials have grown up fearing the
food they eat and the air they breathe. They are sometimes even ashamed of the lifestyle and consumption practices they engage in—literally sometimes petrified that they live in the shadow of an apocalypse brought about by human ignorance and greed. If you read the newspapers and watch the latest Hollywood blockbusters you find that scientists and engineers are now the bad guys. They are not part of the solution but part of the problem. And we wonder why our young people, brought up on such a rich diet of fearmongering and science-phobia, would rather choose a career as a crusading journalist, an accountant or a business consultant—let alone as a lawyer or a politician—than as a scientist. They go down that route because of a certain culturally inculcated technophobia. As Australia's Chief Scientist, Ian Chubb, said in his address to the National Press Club last year:

If we want to be a scientifically literate nation—we simply must inculcate the coming generations with an enthusiasm for the wonder, beauty and endless potential of science.

Science is awe inspiring—we need to stir the imagination of our youth so they pursue a career in science or, at the very least, grow into informed decisions makers who have some understanding of science and how it works.

Some of us in the room will remember the heady days of space travel and television as defining scientific images of our time.

The time has come to rekindle this type of excitement.

And there is no shortage of inspiration—the SKA and the Giant Magellan Telescopes, the Large Hadron Collider, the promise of commercial space flights, sustaining our environment and curing diseases are all big projects that stir the imagination and reinforce the importance of science to us all.

As part of raising an appreciation of science we need to make sure the coming generations are equipped to handle and make the most of the seemingly endless potential and applications of science in their lives.

We need science teachers and we need to support them through their careers. We need students. It won’t work without either. And to get them we will need to be careful, strategic and willing to invest.

To tackle and overcome the challenges of our time—we need science.

This is perhaps easier said than done. I acknowledge that Senator Evans and Senator Kim Carr have spoken frequently, and sometimes eloquently, about this subject. Offering discounts in HELP loans for science, statistics and mathematics courses might not have been the right answer and the right incentive to encourage more of our young people to undertake study and future careers in these fields—and I think honourable senators will accept that—but the problem does remain, and I suspect that it will be more difficult to solve than just tinkering with HECS-HELP, like the government has tried to do. These sorts of problems, which result from long-term, large-scale societal changes, will arguably need an effort to inspire similar long-term, large-scale societal change in the opposite direction. It will take plenty of time, plenty of resources and, I suspect, quite a bit of imagination.

The coalition will not oppose this bill, but we remain concerned about this problem and we hope that the government's new budget measure, 'Mathematics and science—increasing participation in schools and universities', will help to rectify this situation. Encouragingly, the government does appear to have heeded the Chief Scientist's recommendations in the Mathematics, engineering and science in the national interest report, with the 2012-13 budget including $54 million over four years for this measure. Rather than entirely focusing on university-level participation in
maths and science, the program aims to encourage school-age students to study these areas. The opposition think that is a good thing. We join the government in that.

This is an acknowledgment of the link between students’ areas of interest in school and their study choices at university level. Hopefully, through emphasising the importance and continuing relevance of maths and science throughout schooling, this measure will raise the demand for university places in the fields of science—something the lowering of student contribution rates apparently failed to achieve.

To sum up: while lawyers and sometimes indeed politicians are important to resolving disputes, it is scientists and allied disciplines that take us to the moon; that fight the empire of disease; and that truly give voice to human progress. From all of us, I think, more strength to their arm. The coalition will not oppose this bill.

Senator BILYK (Tasmania) (11:45): I too rise to speak on the Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012. I would like to preface my contribution to the bill by talking a bit about the history of Commonwealth support for higher education, because I think this is important in outlining the philosophy behind student contributions which underpins this bill.

The Whitlam government introduced free university education in Australia in 1974. That was a move which so many of today’s baby boomers applaud, because it gave them the opportunity to attend university when they otherwise would have been unable to afford it. While this was an important social policy, it unfortunately did not address the inequity that existed in access to education. Access to university was limited and, while some students from lower income families got the chance to attend university, high academic achievers tended to be from higher income families. So students from higher income families were going to university fully subsidised by the Commonwealth government and then gaining the benefit of higher paid jobs that a university degree qualified them for. To make higher education more equitable, the government needed a policy that recognised that higher education has both a public and a private benefit but did not provide a barrier to access for low-income families.

I know there are some in the community who would extol the virtues of free university education like that that existed under both Whitlam and Fraser as Prime Ministers—and I agree that there is a strong argument for a substantial taxpayer contribution to the higher education sector, given the enormous economic and social benefits that it delivers to Australians. But let us also recognise that an average university graduate earns an additional $1.5 million over a lifetime compared to a school leaver with no further qualifications. That is a substantial benefit, and I doubt any fair-minded person would argue that graduates should not give something back to the sector, rather than have their education fully subsidised by taxpayers who miss out on this benefit.

The Higher Education Contribution Scheme, or HECS, was the predecessor to the current Higher Education Loans Program, or the HELP scheme. HECS was introduced in 1989 and had a number of major benefits for the university sector. It provided a revenue stream for government which could be used to expand the number of Commonwealth supported student places available. It removed the inequity of students who have the privilege of the private benefits of higher education not having to make a contribution for those benefits. Finally, the genius of the scheme was that HECS
payments were deferred until students reached a certain level of income—meaning they were not required to pay back their debt until they had the capacity to do so. The deferred nature of HECS, now HELP, payments removes the disincentive to rural, remote and low-income students that upfront payments present.

Of course, there are many other barriers to higher education that disadvantaged students face, and this government is working hard to address them through scholarships, changes to youth allowance and various other policies which are having a positive effect. Between the years 2007 and 2011, we have seen a 30.7 per cent increase in the enrolment of commencing students from low-SES backgrounds and a 23.7 per cent increase in low-SES enrolments overall. I could go into more detail about these initiatives, but that is probably a debate for another time.

In terms of HELP payments, there is no evidence that student contributions at their current level are a deterrent to disadvantaged students. In fact, students are far more sensitive to the upfront costs of a university education such as relocation and living expenses. However, deferred student contributions do not cover the entire cost of a student's university tuition. In other words, students are subsidised by the Australian government, and this is in recognition of the public benefit that university education provides society more broadly.

Unfortunately, over time, we have seen a rapid decline in student enrolment in mathematics, statistics and science—an issue the Australian government is committed to addressing. That is why the Prime Minister asked the Chief Scientist, Professor Ian Chubb, for advice on how to encourage increased university enrolments in these areas of study. To explain why we should be concerned about the declining participation in maths and science study at university, I will quote from the Chief Scientist, who said:

Mathematics, Engineering and Science (MES) are fundamental to shaping the future of Australia, and the future of the world … Our future lies in creating a high technology, high productivity economy; to innovate and to compete at the high-end of provision. To do so, the technical skills and scientific awareness of the entire workforce must be raised. The number of MES graduates needs to increase to allow industry to expand in these areas. Yet our current performance is wanting, and we compare poorly to our leading Asian neighbours.

In response to Professor Chubb's advice we provided funding of $54 million in the 2012-13 budget for measures to improve student engagement in maths and science.

This government is funding projects and courses that improve the quality of teacher training to improve the supply of qualified graduates entering maths and science teaching at school. We are funding the Australian Mathematical Sciences Institute to provide scholarships and a range of intensive short courses for later year university maths students so that they can continue to provide support to mathematics researchers and students. The government is also funding innovative partnerships between universities and schools that are experiencing difficulty in engaging students in science and maths, have poor outcomes in maths and science or have low numbers of students going on to further study in these disciplines.

One of the great aspects of the schools component of the package is the expansion of the CSIRO programs Scientists in Schools and Mathematicians in Schools, which take interesting science and maths lessons to schools across Australia including those in regional areas. The previous speaker, Senator Mason, mentioned how we need to have more of that sort of thing going on so I am
pleased to be able to say that we are expanding those programs.

As with sportspeople, interesting and successful mathematicians and scientists can be the inspiration for students to pursue a career in maths or science. My own son studied physics as one of his majors at that great university, the University of Tasmania, and I know that he was very inspired by people he knew that were successful in that area. Only a couple of months ago, I was pleased to hear that the first Australian woman to win a Nobel Prize, Professor Elizabeth Blackburn, had returned to our home state of Tasmania to deliver a series of lectures aimed at inspiring high school students to study science. It is a great source of pride to me that my home state has produced a scientist of Professor Blackburn's calibre. I am sure she will inspire many young Tasmanians to take up a career in science.

Now that I have outlined the government's commitments to improving maths and science, I would like to turn to the Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill currently before the Senate. The bill, if passed, will reinstate the previous maximum student contribution for units of study in maths, statistics and science from 1 January 2013. Maths, science and statistics are currently classified as national priority units of study. In 2012, students were charged a reduced maximum student contribution of $4,250. Under this bill, the maximum contribution in 2013 will be increased to $8,363.

Universities are currently being provided with transitional loading as compensation for reduced student contribution amounts; however, this will cease when the student contribution amount increases. The national priority rate for these units, which was introduced in 2009, was not delivering value for money in terms of its desired outcomes. This experience was consistent with the findings of the 2008 Bradley Review of Australian Higher Education—that is, that there is no evidence that lower student contributions have a positive impact on student demand. Not only was there not increased demand for maths and science study but also the majority of students who were studying maths and science units were not enrolled in a maths or science course or an education course, so the measure was not contributing to the overall pool of maths and science graduates or increasing the supply to schools of maths and science teachers.

The government is continuing to provide incentives to study maths, statistics and science courses through the HECS-HELP benefits of maths and science graduates. Students who graduate from a natural and physical sciences course with a HECS-HELP debt and work in a relevant field of study can have their compulsory repayments reduced by more than $1,600. Graduates who work as a maths or science teacher may qualify for both the HECS-HELP benefit for maths and science graduates and the HECS-HELP benefit for teachers and can have their compulsory repayments reduced by more than $3,200.

There is another purpose to this bill. I go back to my previous point, that the purpose of the Commonwealth subsidising higher education places is for the public benefit higher education provides. There are around three-quarters of a million Australians living overseas, either permanently or long term. The government believes that our funding priorities should be to support those students who are most likely to pursue careers in Australia to repay their HELP debts and to use their education to benefit Australia. The bill will therefore remove the eligibility for Commonwealth supported places and the
HELP scheme for Australian citizens who do not reside in Australia. This measure will not affect students undertaking studies overseas as a part of a formal exchange program, or those who are engaged in a study abroad program for some units of their course. In addition, the small number of students who are currently enrolled in Commonwealth supported places but are not resident in Australia will not be affected by this measure while they complete their current course of study.

The estimated number of people who may be affected by this measure is small: about 1,000 full-time equivalents; however, with the implementation of the demand-driven system and the increase in online delivery of teaching, we expect that there could be significant future growth in the number of Commonwealth supported students not living in Australia.

What the government seeks to achieve with this bill is to have a system of Commonwealth support for university students that will encourage access to university while providing the maximum benefit to Australia's workforce and economy. These measures will help support the additional investment that the government has made in the new, demand-driven funding system for Australian universities, and ensure that funding is better targeted and that more Australian students have the opportunity to go to university. I commend the bill to the Senate.

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (11:58): I rise to contribute to the debate on the Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill before the chamber. I join with our shadow minister Senator Mason in noting that the coalition does not oppose the legislation. We know that it is directed to reinstating the student contribution amount for mathematics, statistics and science units of study back to pre-2009 levels.

Whilst I note the intent of the legislation, and other speakers have spoken of the effect of it, it is somewhat ironic and interesting to reflect on what the long-term effect of this legislation will be. Mr Acting Deputy President, as you and I both know, we have only recently tabled in the chamber the report of the inquiry of the Senate Education, Employment and Workplace Relations References Committee into the shortage of engineering and related employment skills and it is to that which I refer. Whilst in the short term it would appear that there is sufficient reason for withdrawing this concession to students wanting to study in the areas of mathematics, statistics and science—in other words, those related directly to engineering and its related areas of professional development and employment—I think we saw in that report the end results of a circumstance in which there has been, to some extent, the removal of that support.

It is disappointing in the primary and particularly in the secondary education system of the last few years that not only is there a discouragement of the teaching of mathematics and sciences in the school system but we have fewer teachers who are interested in, skilled in or exciting pupils and students in the sciences, the mathematics and the statistics. It was, I think, one of the first recommendations of the references committee on its inquiry that there be an increased focus on science, technology, engineering and mathematics proficiency amongst primary, high school and indeed adult students. How disappointing, in a sense, that we are here considering legislation that will probably have the exact opposite effect of increasing enthusiasm for participation and excellence in those areas.
It is to that that I wish to refer, because the inquiry learned what the enormous cost to the Australian community and the Australian economy is of there being a deficiency in and therefore a gap in the number of both professional and technical engineers available in Australia to support our growing country, our growing infrastructure and, at the moment, our declining productivity. The point was made that people with engineering skills and qualifications are a critical component of Australia’s economy. Engineers are not only directly employed in a vast array of different industries, many of which are among Australia’s most economically important, such as mining and infrastructure; they are essential for the underlining infrastructure projects that are so necessary for their maintenance and for their new development in this country, such as roads, power infrastructure, bridges and the like.

The committee received evidence from Skills Australia, now the Australian Workforce and Productivity Agency, which indicated that while Australia is producing more engineers than ever before, both at the professional and technical and trades levels, the growth is not sufficient to meet demand, and engineering skills shortages have been pronounced for many years. In fact, Skills Australia surveyed 50 engineering occupations, of which 47 were experiencing skills shortages in 2011, and yet here we are debating and apparently agreeing to legislation that will actually be a disincentive for students to work in the fields of mathematics, science and statistics. It causes me to wonder whether legislation that was introduced as recently as 2009 has run its course long enough for us to be able to make a decision in 2012 that it has not worked and therefore should be reversed.

Also presented to the engineering and skills related committee of inquiry was the fact that an application of growth rates of the last five years was forecasted for the Australian engineering and trades related workplaces of 2016, and based on that data a very conservative estimate is that we will need an increase in the number of professional and management engineers of some 37,000 people by 2016 and, at the technical and trade engineers level, some 6,000 people. That estimate has not been adjusted for the large increases in infrastructure and mining projects that we know are in the pipeline. Nor does it take account of those who will retire from the professions and the trades. Again, it causes me to ask the question: are we doing the right thing from a Commonwealth financial, economic and education point of view in removing incentives at this stage for what should be encouragement in the maths, the sciences and the statistics?

It was clear to the committee that the consequences of the skills shortage are being felt every day in this country by governments, the community, employees and employers. Entrenched engineering skills shortages, depending on their severity, are likely to reduce investment and productivity growth in Australia and result in poor quality or delayed construction projects. One of the disappointments for an engineer is that their failures are there for everybody to see. Of course, we know of examples of the Westgate Bridge and many others. Perhaps it is the same for doctors and veterinarians. At least we get a chance to bury our failures, but the failures of those engineers and their associated colleagues are of course there to be seen, heard of and read about for years to come.

The point made to the committee was that the resulting economic effects are felt in sectors as diverse as resources, roads and rail, manufacturing, construction and the development of infrastructure. Let us just put
some dollars around that. Engineers Australia appeared before the committee in Perth and Brisbane, and their most conservative estimate was that the best estimate of the cost to the Australian economy for infrastructure projects which were poorly designed in the first place, for which there were insufficient tender documents prepared or for which there was insufficient consideration of tenders—for the delayed implementation of projects, poor implementation of projects or having to go back and rework the failed projects—was some $6,000 million a year to the Australian economy.

Given that so many of these projects are infrastructure projects funded by the taxpayer, you could say that a fair proportion of that $6 billion was a cost directly to the Australian taxpayer. It causes me to go back and look at the cost saving which is indicated in this particular bill, and I ask the question: is it good value for money to have done that?

For example, Engineers Australia also advised us that, because of the delays in many of the projects as a result of the failure to be able to recruit engineers, the Australian Institute of Traffic Planning and Management advised the committee that the loss of productivity as a result of peak hour congestion in Perth—not the most congested in Australia—is estimated at the moment to be $1.2 billion a year, growing to $2 billion by 2020. If that is the loss of productivity in the city of Perth, one could only speculate on what the equivalent loss must be when you add in Brisbane, Sydney, Melbourne and Adelaide to that area of scrutiny. I think we can see some of the evidence in this area.

Because of the inadequate number of engineers at both the professional level and the technical level, governments are unable to properly manage engineering contracts because either their contracting staff lack the necessary technical expertise, which directly undermines their ability to assess the engineering competencies of contractors and subcontractors, or the expertise just does not exist in the first place. That of course is of enormous concern. The committee was given a warning in relation to the Queensland floods of 2011—this was advice from the Association of Professional Engineers, Scientists and Managers Australia. Their warning was that the repair bills from the Queensland floods could blow out by some 20 per cent—one-fifth—as a result of poor scoping due to a shortage of engineers. These are real figures presented by those who are doing the work.

In referring to mathematics and analytical skills, as the bill does allude, it was interesting to learn that many engineers are actually picked up by the finance industry, the insurance industry and the banking industry as actuaries because of their mathematical and analytical skills. So it is a two-part whammy. Those who would normally be coming through from courses in mathematics and other areas are finding their way into the world of finance, but not enough are coming through because we do not have adequate training at the primary and secondary level because we do not have the adequate skills amongst teachers to excite and interest these students, so the finance and banking industry are turning to engineers whose skills and training they obviously need.

In the report which has been tabled in this chamber on the issues associated with engineering and trades related skills, and the wide skills gap, the committee detailed a large number of examples where governments, universities and industry have implemented measures to respond to the challenges. The committee received evidence that demonstrated that government investment in industry and in education and training will not be enough to address skill
shortages and that stronger partnerships between educational bodies and industry are needed to encourage more effective use of skills.

As Senator Mason has quite correctly said, the coalition will not oppose this legislation. But I have tried to draw to the attention of the chamber and the community the real cost to the Australian economy and the Australian community of a decision to cease encouraging the movement towards training and skilling in mathematics, sciences and analytical skills. I have listened carefully to the comments made by others. I have read the rationale presented to us in the speeches by Senator Wong, Senator Evans and others. Whilst I do not oppose this legislation, I do reflect on the fact that it is in the wrong direction and I can only hope that those alternative measures being put in place, as suggested by the Chief Scientist, Professor Chubb, may go somewhere towards healing that gap which I can see emerging as a result.

Senator RHIANNON (New South Wales) (12:11): The Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012 needs to be considered in the context of international education and economic trends. It is internationally recognised that a country's future and economic wellbeing, and its ability to compete in the global economy, are dependent on the skills that higher education brings. Economic frameworks have shifted from industrial and manufacturing sectors to science and technology, and to the provision of information and knowledge. Innovation using high-level maths and science is essential to solving the complex problems the world is facing: climate change, urban planning, health and medicine, transport, communications and information technology, and primary industries and production. This is reflected in the need for more highly skilled Australians, which is growing at 2.5 times the rate of jobs created for lower skilled employees. But we are falling behind in a catch 22. Education funding levels are slipping in real terms. Successive governments have failed to maintain and increase public investment in all levels of education, and thus have turned away from generational investment in this country's future in favour of the short-term political fix and big business demands.

The number of students studying maths and science in senior high school years has plummeted over the past decade. In 1992, 94 per cent of year 12 students studied science. By 2010, it had fallen to 51 per cent. That makes me personally very sad because we are clearly missing out on so much, as are so many students. The proportion of year 12 maths students studying advanced or intermediate maths has fallen from 41.3 per cent in 1995 to 29.7 per cent in 2010, with only 10 per cent studying advanced maths. The drop does not seem so dramatic but when you consider that we are now down to just below 30 per cent, it is a worrying trend like the trend in science. Conversely, the proportion of maths students studying elementary maths has risen from 37 to 50 per cent in the same period.

There is a shortage of skilled, high-level maths and science teachers in our schools which is seriously limiting schools' ability to engage and educate in these areas. The falling graduate numbers are reflected in the average age of maths and science teachers in senior high school, which sits at 48 and 45 years respectively. Our Chief Scientist, Professor Chubb, identifies the lack of knowledgeable and inspirational teachers as a major factor in the looming science, technology, education and mathematics skills shortages. In 2010, just 550 out of 72,808 diploma of education graduates held any
previous undergraduate science study. That is a dismally low figure.

Professor Chubb has identified an important point here: the role of inspirational teachers. I was incredibly fortunate when I was at Sydney Girls High School in having such a teacher, Mrs Komon, who taught me so much and inspired me to go on with my own science work. And Professor Geoff Prince, Director of the Australian Mathematical Sciences Institute, has described the consequence of that dismally low figure as 'choking graduations in mathematics and statistics, particularly the number of graduates who become teachers'. Turning away from the Gonski report would add further to the spiral trend. It is bad policy, given what we know our country needs over the next few generations of students and teachers.

We can all agree that the number of university graduates in science and maths needs boosting. Australia’s ratio of first university degrees awarded in science, technology, education and mathematics courses is abysmal for such a rich country. In 2002 it was at 22.2 per cent, well below the 33.3 per cent in Asia, Europe’s 26.6 per cent or Russia’s 33.1 per cent. In 2010 our figure had fallen to 18.8 per cent of graduates in these areas. As I read out those figures I am reminded of what we have heard about the wonderful Olympics in recent days and comparing our medal tally with other medal tallies. I have enjoyed the events so much, but I wish these figures gained similar prominence.

Professor Chubb notes that Australia needs around 13,500 STEM graduates—that is science, technology, education and mathematics—per annum for a decade just to keep up with those retiring, yet the demand for maths PhD graduates will rise to 55 per cent by 2020. Students are also dropping out of these subjects as their studies commence. Out of 180,393 commencing enrolments in science and engineering degrees in 2007, only 112,162 graduated in 2010. That is a worrying high attrition rate. And let us not forget the looming retirement of the academic workforce in our universities, with Professor Prince noting that by 2020 there will be more mathematics PhDs retiring from the Australian workforce than entering it.

The need to boost maths and science graduates was recognised with the then government’s move from 2009 to treat mathematics, statistics and science courses as national priorities, increasing government funding per subject and lowering the HECS cost for students from $7,260 to $4,077. This bill seeks to reverse that. Its amendments to the Higher Education Support Act 2003 do two things. They increase the maximum student contribution amount for mathematics, statistics and science units for all students from 1 January 2013—and we need to note that this will apply to new and continuing students. Secondly, they remove eligibility for Commonwealth supported places, CSPs, and income contingent loans for Australian citizens who are not resident in Australia during their course.

The government states that growth in bachelor-level natural and physical sciences has increased only marginally above the overall growth in the sector despite the HECS discounts and that the real investment needs to be in schools. This is acknowledged by a number of university sectors, but we are not anticipating a solution being found in a major increase in schools funding.

The education minister’s office provides the following analysis. Discounted HECS in maths and science succeeded in raising the number of students taking natural and physical science courses by only 0.81 per cent, taking student numbers from 13.5 per
cent in 2008 to 13.86 per cent in 2010. In 2009 and 2010 most students studying natural and physical science units were not enrolled in natural and physical science courses—obviously an important distinction. Students undertaking an education course of study and undertaking natural and physical science units in their course fell from 3.7 per cent in 2008 to 3.3 per cent in 2010. And, while growth in commencing students in the natural and physical sciences increased from 2008 to 2012, this was only marginally above the overall growth in the sector as a whole.

This analysis seems at odds with the 19.4 per cent rise in students commencing bachelor places across all sciences and mathematical science from 2008 to 2010, which is based on the available figures, compared with the 15.3 per cent rise across all other disciplines. Even the department noted that 'the two years growth more than reversed declines in demand for this field between 2004 and 2008'. The discrepancy may arise from counting first-year students undertaking compulsory maths and science units but not undertaking maths and science courses.

We accept that the numbers of graduating students in particular courses such as calculus, physics and chemistry are what counts. But Dr Dobson's report, commissioned by Professor Chubb's research, found that enrolments in science courses at all year levels did grow by 18,257 between 2002 and 2010 to 78,858 places. He also noted health course enrolments grew by 66,293 places to 162,611 in the same period, and management-commerce enrolments jumped by 96,719 enrolments to 325,508. But he did find an overall increase of university enrolments of 33 per cent, with enrolments in all levels of science rising by 30.1 per cent. He also found the expansion in 'science' did not come from the enabling sciences of chemistry, mathematics and physics, which remained static, but from behavioural and biological sciences and the non-sciences requiring first-year-unit study.

Dr Dobson still stated that the 2009 discount on HECS for maths and science students had been starting to generate more undergraduate domestic enrolments in the subjects and that abolishing this discount is a mistake. He said:

These things take time—it takes a generation—but you just can't do it in the political timeframe …

He said politicians will:

... never admit this, but basically they're just thinking of the next election and the next budget.

That is what I hope we can rise above in this important issue. This was echoed by Professor Geoff Prince, Director of the Australian Mathematical Sciences Institute, criticising the axing of the HECS discount in December last year, saying that the money had gone into 'reducing the deficit'. For all their talk of a prosperous future for Australia, successive governments have been seriously failing generations of Australian students, and we are starting to realise the seriousness of the consequent shortages in skills vital to a healthy society that is competing in the new global economy.

The Greens acknowledge the government is spending $54 million to engage in maths and science through other programs, but we cannot support this measure that removes funding that encourages maths and science students until we see that a sufficient comparable program is put in place with commensurate funding being transferred to a more targeted area.

**Senator McKENZIE (Victoria) (12:23):** I rise to contribute some remarks about the Higher Education Support Amendment (Student Contribution Amounts and Other Measures) Bill 2012. The bill contains a few
schedules. The first amends the Higher Education Support Act to reverse the 2008 Labor government decision to reduce the HECS-HELP fees for those students studying mathematics and science disciplines. It is quite ironic that this bill is before the chamber this week, as it is National Science Week—the irony continues, Senator Back. Schedule 2 of the bill removes the Commonwealth supported place contribution for those Australian citizens studying online whilst living overseas. Both measures will result in savings—congratulations to the Labor government—and the coalition will not be opposing the government's efforts in these areas.

However, I do have some remarks to make about the changes. The increase in contribution for mathematics and science units of study from the national priority level of $4,691 to the band 2 rate of $8,353 follows findings from the Bradley review that there is no evidence that indicates that lower amounts of student contributions to their university education have a positive impact on student demand. I guess that somebody needed to let the government know when they implemented this policy.

There is a contradiction through the course of the debate on this bill—and we have heard several senators previously raise these issues—that I hope government senators can assist me with. The numbers—and I am speaking specifically of Parliamentary Library figures, and Senator Rhiannon made some commentary around those in her contribution—suggest that the effect of the incentive implemented was immediate. For example, in 2009 undergraduate applications for natural and physical sciences increased by 17 per cent, and again in 2010 by 13 per cent on the 2008 figures. In fact, DEEWR noted that the two years of growth experienced over that period of time more than reversed the decline in the number of students studying mathematics and science between 2004 and 2008. The great news was that the increase in applications to study mathematics and science flowed through to actual enrolments in courses that offered these units of study. When we compare those commencing a Bachelor of Mathematics or Science, the increase on 2008 commencements is 19.4 per cent, whereas the increase in student numbers across all other disciplines studying at universities is 15.3 per cent. The rate of increase for sciences was actually higher since the introduction of the HECS-HELP incentive. So I am unclear whether today's bill is a result of the program being such a success that it is being cancelled as it achieved the objective set, or whether it is being cancelled because no evidence exists that lowering HECS-HELP fees will actually result in increased enrolments.

Mathematics is one of my own areas of study. I find it a wonderful subject where logic and creativity combine with determination and perseverance to find solutions, and surely that is a characteristic we would like to encourage right throughout our society. In fact, it has always confused me why young people do not find sustenance in the simplicity of a mathematical argument when, as a linguistically challenged human being, mathematics has provided me with much joy. I want it on the record, though, that I am no mathematician. That decision was made at the end of a year 2 study of mathematics when the lecturer said, 'You're either going to be a mathematician or you're just going to be one of those people that is good at maths.' I went on to have more fun with my studies in sport and politics and so I am just okay with maths—I am not a mathematician.
But, as I was completing my studies, many of my peers explained that they hated mathematics. When you delved into why, they would invariably reply, 'Because of Mr So-and-so in year 9 and Ms What's-her-name in year 8,' so my desire to reverse that trend and do my little bit in turning young people onto the joys that I experienced through mathematics was born. There is a great Socrates quote around the role of teachers as inspirers—and we have heard Senator Back particularly talking about the role of teachers inspiring young people to study and to think. Socrates said:

Education is the kindling of a flame, not the filling of a vessel.

I think that particularly for mathematics and science teachers it is about creating that sense of excitement and anticipation around those disciplines.

Getting back to creating the nation's mathematics and science teachers, we have to bear in mind that it actually takes time to grow a teacher. These incentives have been in place for a very short time when you compare the situation with how long it takes to create a teacher: three years minimum of undergraduate training followed by a minimum of one year in a graduate diploma. By my arithmetic—and that is not my strong point when it comes to mathematics—that equals four years. The decision to axe the incentive has occurred precisely when the students are still in the undergraduate phase of their studies, so I would argue that we do not actually have all the data available to make the decision as to whether this has worked or not in terms of creating more teachers. Similarly, I would not argue that all students studying maths and science will become teachers; but nor should they, as the Chief Scientist, Professor Chubb, has made it clear in his investigation into the mathematics, engineering and science needs of our nation in his recent report handed down in May 2012.

But a simple assumption remains: to increase the number of people teaching maths and science we actually need to increase the number of people studying them before we can turn them on to teaching. We all have countless examples of people coming to the field of education later in life as circumstances and passions in life change. We should not hold everybody to the decisions they make at 18. I am sure there are many people in this place who have changed their minds since then. So increasing the number of people studying in these areas is crucial.

But the question remains: did the policy work? Another example: MYEFO cuts to this program were announced in November 2011, whilst in December 2011 we were using the same incentive—HECS FEE-HELP subsidisation fiddling—to promote study by early childhood graduates. It either works or it does not work. The government committed $658 million on a scheme where there was a lack of evidence that the measure would achieve its outcome of increasing the number of students studying, and therefore teaching, mathematics and science.

I want to return briefly to the Chief Scientist's report, which makes key recommendations around teachers inspiring young people in maths and science and recommendations on university scholarships and incentives to study and research in these areas. My hope is that the savings generated by the cutting of this incentive will be redirected to programs that are evidence based and that will actually result in increasing the number of people teaching maths and science, rather than disappearing into the budget.

The government's response is typically one of reductio ad absurdum, which is
actually Latin for a mathematical contradiction. The simple description of a mathematical contradiction is that it is a statement that goes against an assumption. Within the political context there are several assumptions that underpin what we understand effective government to be. They are that the decisions to spend taxpayers' dollars are actually based on evidence. I would counter that the government's decisions around this area over probably the last three or four years are a mathematical contradiction.

Sound investment will provide a return—the policy outcome which is desired. In light of my previous comment this begs the questions: are these measures being removed because they are seen as a Rudd initiative and therefore politically motivated? Or is the current Labor Prime Minister conceding that the policy conceived and implemented while she was education minister was flawed and did not have the evidence on which to base the decision making? Either way it is contradictory and against every assumption underpinning good governance.

Schedule 2 of the bill concerns Australian students who are studying online through an Australian university whilst overseas. The amendment before us removes their eligibility for a Commonwealth supported place and the higher education loan scheme as a consequence. This is on the assumption—that they are going to be less likely to return to Australia and hence be paying tax; the Australian coffers will not be filled by their repayment of their HECS debt.

Currently, irrespective of whether you are studying in Wycheproof or Warsaw you are classified by universities as either a domestic or an international student for their purposes. It is not where you are living; you can study online irrespective of where you live, and this is going to add to compliance costs for universities as they attempt to stratify domestic students as to where they are studying from. Currently, a domestic student is an Australian or New Zealand citizen, or an Australian permanent resident visa holder. But the only domestic students who are eligible for a Commonwealth supported place at an Australian university are Australian citizens. That is exactly as it should be. Taxpayers are assisting students in paying for their education through the Commonwealth supported place system because there is not only a personal benefit to a higher education but very definitely a public benefit. Whilst I appreciate that the impetus for driving this change was the setting up of a campus overseas and enrolling Australian citizens, we do not know where these young people will end up. We do not know that a decision not to return to Australia when young people are 21 will be made. We will not have the advantage of them returning home and contributing socially and economically to our nation. Similarly, when we are teaching online students there is an online classroom, and we cannot underestimate the richness of an online classroom—students from right around the world, each bringing their perspective to the topic under discussion.

A Commonwealth supported place is like the old HECS place, where a contribution towards their education is loaned to the student. The Commonwealth pays the amount loaned directly to the university and seeks repayment from the student through the ATO once the student is earning a certain income. In Australia a large component of the cost of educating a student at a university is covered by the Commonwealth. The measures before us, according to 2011-12 budget papers, list the saving as $25 million over the forward estimates for the changes in schedule 2. The government states its belief that its funding priority should be to support
those students who are most likely to work and live in Australia for their careers.

Given my former life as a teacher—and I am a parent of young people and I used to lecture at a university—I know how many young people study and leave our shores to take up work and travel options throughout their 20s. I am not confident of this assumption by the government that people who work, study and complete their degrees in an Australian institution within our shores are actually more likely to stay here and pay tax than those who do not.

I am not more confident when examining the number of mid-career professionals who are expats earning a living and paying tax overseas and have been in receipt of those same Commonwealth-supported placements, yet are not contributing back to our community and nation in the way the government intends this change to enact.

The mathematical contradiction continues, going against assumptions. Either way the government fails because of a lack of evidence. The fact remains that those citizens who are living overseas for whatever reason—they might be married to an expat who has a three-year contract—whilst they are overseas can take advantage of that opportunity in their life and complete the degree that they started, or a graduate diploma et cetera, online. It does not mean that when they finish they will be less likely to return.

This change also comes in the face of an increasing push by universities to increase their online offerings right across the board as technological advances make education via distance more accessible and of higher quality, and also because of the economic imperatives within universities themselves. It is the online delivery of higher education as an economic option available to our universities. So, whilst we are increasing the online offerings and encouraging students to participate in Australian institutions through the online environment, at the same time we are saying, 'You can do that only if you live within our shores.'

Deakin University has over 11,000 students studying off campus, with a large portion of those overseas. In fact, part of its strategic plan moving forward is to include at least one unit online as part of its offering. La Trobe University offers nine online promotional courses, with content freely available, and has 130,000 subscribers worldwide. This is a great story. Monash University offers 28 undergrad courses and 130 postgrad courses off campus and currently has 3,347 students studying off campus, many of them overseas. Open Universities similarly has 54,000 students, many of them Australian citizens who should have the right to participate and have a Commonwealth supported place at our Australian institutions irrespective of where their current situation in life places them in the world.

As universities tap into the economic benefits of delivering courses and units online, this trend will only continue, and that was actually stated by the minister in his speech as part of the assumptions underpinning the decisions. Yet the contradiction continues. The behaviour of this government is in direct opposition to the assumptions around equitable access to education for Australian citizens. Who is to say that our expat community, in the role that they play overseas, do not benefit Australia, which is one of the rationales presented by the government for this particular retraction of support? Surely our expat community benefit our economic and social future in the work that they are doing in this period of time in their lives in the various countries they exist in.
Similarly, there is a contradiction in rhetoric when we talk about engaging regionally. We want to engage internationally and we want our graduates to be the world's best, yet this policy setting discourages lifelong learning, because you cannot take advantage of an online course whilst you happen to be overseas. It treats some Australians differently to others in the area of educational access, and the coalition has been particularly passionate about ensuring that in our great nation there is no such inequity of access provisions. Geography should not matter. But we hear hollow words from hollow men and women. A real education revolution would increase both science and mathematics graduates and teachers. A revolution would mean that this government used evidence on which to base its funding decisions and inform the models to ensure our estimated $30 billion investment in education in this country delivers for both the individual and the community more generally.

Having voiced my concerns about the assumptions underpinning this legislation and the contradictory messages provided by the government on issues raised both in schedule 1 and in schedule 2, I would like to touch briefly on the difficulty in implementing these changes at a university level. I am curious to know how, when a young person—or an old person—goes to enrol in an online course at, let us say, Monash University, we will be working out where they live and what their intent is. Are they intending to stay in Australia for their entire career, pay their tax and ensure that their HECS debt is repaid in its entirety? Are they not planning to contribute to our ongoing efforts overseas? Are we going to be asking them whether they are planning to stay overseas forever and hence never return, in which case we as a nation will withdraw our support and they will not receive a Commonwealth supported place while they are overseas and studying? There are significant questions that I hope I will get to ask the minister at a later time, but the government's clumsy attempts to find savings in portfolios are something that I am in favour of and that I encourage, and I will not be opposing the bill. (Time expired)

Senator BERNARDI (South Australia) (12:43): It gives me a great deal of pleasure to follow Senator McKenzie's words in the brief time before we go on to other business. I would like to echo the sentiments of my coalition colleagues, who have some concerns about— I will use these terms—the dumbing-down of some of our higher education areas, and particularly the importance of maths and science in respect of the future prosperity and innovation in our nation. The fact that science will play a pivotal role in Australia's future technological advancement is, I think, beyond any shadow of a doubt. If there are any concerns in the community, we only have to look at some of our Asian neighbours and competitors in the technological field, where there are an enormous number of graduates in the science, mathematics and engineering disciplines. They invest quite wisely in that education process, because there is an understanding about how important it is for the future of their countries. Australia cannot afford to be left behind in this race, because we do live in that global village where there is the flow of capital that will go to where the greatest minds can be tapped and potentially utilised. I will conclude my remarks there.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

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

Senator FAULKNER (New South Wales) (12:45): The first of July this year marked the 80th anniversary of the Australian Broadcasting Corporation. The ABC is a national institution and one of the world's great public broadcasters. It is not without fault, but too often it has been the object of criticism for those who seek to silence it or use its influence for their own ends. Instead of dwelling today on its flaws, I want to focus on the contribution the ABC has made to our country's character and to the national conversation.

On 17 May 1932, the Australian Broadcasting Commission Act created a national broadcaster committed, in then Prime Minister Lyons's words, to 'serve all sections and to satisfy the diversified tastes of the public'. In that same year, the Sydney Harbour Bridge opened and Aldous Huxley published his novel *Brave New World*. The ABC was indeed part of a brave new world—a brave new world of communication where, for the first time, wireless broadcasting was able to traverse a vast and sparsely populated continent. The ABC's ability, then and now, to overcome the tyranny of distance and bind a nation together makes it a piece of national infrastructure every bit as important as the Sydney Harbour Bridge.

Early radio programs were dedicated to such topics as needlecraft and the proper care of goldfish. Another feature were synthetic cricket broadcasts, where commentators such as Charles Moses, Mel Morris and Alan McGilvray used cables from London and sound effects in their Sydney studio to recreate the match in play. While these broadcasts reflect our fascination with the national game, the fact that the complete works of Shakespeare were performed between 1936 and 1938 speaks to the ABC's abiding dedication to high culture.

Whilst cricket remains an indispensable part of the schedule and Shakespeare a continuing star, ABC radio has changed dramatically in 80 years. It now includes the popular youth station triple j, charged with unearthing much of the nation's contemporary music talent. ABC local radio provides vital information to rural and regional Australia and provides much-needed competition to commercial stations in our cities. And Classic FM and Radio National are essential parts of the nation's cultural and intellectual life.

But radio is not the sole province of the ABC. On 5 November 1956, in a voice now peculiarly British in intonation, host Michael Charlton welcomed viewers to 'your television service'. And so began ABC television just in time for the Melbourne Olympics, just in time for postwar Australia to watch a teenage girl from Western Sydney win gold in the 100 and 200 metres.

And, while multiple stations and relatively low production costs enable ABC radio to hold the attention of both popular and particular audiences, the unique economic pressures of television have forced it to hold these extremes in closer tension, to try—although often fail—to appeal to both the many and the few. Consequently, it is often criticised for being either elitist or banal; sometimes it is accused of being both at the same time. But despite these complaints ABC television remains home to the country's most compelling drama, adventurous comedy and biting satire. And it is still the station that families turn to for intelligent and engaging children's programming—programs like *Playschool, Behind the News* and *Sesame Street*.

But where the ABC really excels is in current affairs, for it is when the ABC works
in the public interest that it performs its most important duty. While he was editor of *Quadrant*, Robert Manne wrote:

... ABC's public affairs—AM, PM, The 7.30 Report, Lateline, Four Corners at its best—are irreplaceable. Taken together these programs represent by far the most important national political discussions we have.

Robert Manne is right to highlight the ABC's importance to our public life for it is hard to imagine another broadcaster with the capacity or temerity to dedicate most of its schedule, across all of its platforms, to the pressing events of the day, and harder still to imagine another broadcaster able to produce journalists of the calibre and with the courage to uncover scandals like cash for comments, to report on a moonlight state, or to connect the French secret service to a ship in a New Zealand harbour.

For the most part, the ABC remains an independent and fearless public advocate. In the words of its historian Ken Inglis it is:

... a watchdog, dedicated to preventing the people's liberties from being burgled by holders of power.

The need for a public broadcaster dedicated to the public interest is an uncomfortable truth for those of us who frequent this place—an uncomfortable truth but a necessary truth nonetheless. After all, even former Prime Minister Howard once argued:

... Australia needs an independent, fearless, professional ABC.

The future of the ABC remains unwritten and uncertain. In the digital age, in which how we consume media is an increasingly atomised affair, the media landscape is an unpredictable terrain. But I take heart from the fact that ABC online remains among the most popular sources of information in the country and ABC podcasts among the most downloaded of programs. In an age increasingly suspicious of traditional authority, the ABC remains one of this country's most trusted institutions.

In a country as vast and diverse as our own, there is only one institution trusted with the task of presenting Australia's story to itself. In this role it has developed the national character, ensuring that the many disparate communities of this nation remain connected to a public space of the airwaves and screen. Perhaps this partly explains why Australia on the whole remains such a cohesive society with a common disposition.

Paul Chadwick once wrote that the ABC is:

... a sentry who watches and warns; a guide who searches, maps and explains; a scribe who listens and records; a witness with the courage to speak; a host to debates amongst others; an advocate for the weak; a keeper of collective memory.

For 80 years the ABC has performed these tasks on our behalf. Today I want to use this matter of public interest debate to say, 'Happy anniversary, Auntty!' and to thank the ABC for all it has achieved in the national interest.

**Defence Budget**

**Senator JOHNSTON** (Western Australia) (12:57): I rise to speak today about the current state of the Defence portfolio and Defence funding following this year's Commonwealth budget. As we now know, our Navy is in considerable difficulty, with two significant and damning reports recently handed down. The Rizzo and Coles reviews have detailed gross technical and cultural failures within Navy. Indeed, the Minister for Defence himself has been publicly critical of defence following his discovery in 2011 that we had no functional amphibious sea-lift capability. We have seen dramatically low ebbs in vessel availability with HMAS *Success*, HMAS *Sirius* and HMAS *Tobruk* all having extended, serious maintenance issues. Both HMAS *Manoora*
and HMAS *Kanimbla* failed to be sustainable across the gap to the arrival of the new LHDs. Our newest ship, HMAS *Choules*—barely in our ownership for six months—has had a serious transformer failure and will apparently be out of action for five months. Submarine costs are running at a little less than $1 billion per annum for an availability of two or three boats—but usually less—at any given time. Of course, this hides the fact that we rarely have any submarines ready for real operations. Two minehunters have been permanently laid up. Turning to Army, it has a very high operational tempo with one active combat deployment in Afghanistan and two other deployments in East Timor and the Solomon Islands, albeit that both are winding down.

On our northern maritime frontier, we have a continuing crisis of illegal entry vessels, with as many as 80 boats bringing more than 7,000 people into our sovereign waters this year alone. Since November 2007, at the end of the Howard government's reign, we have had 380 boats deliver around 22,000 people. Finally—and thankfully—the Prime Minister has done a backflip and agreed to adopt the coalition's policy of offshore processing on Nauru. Our Armidale patrol boats, which have been the principal taxi service for this ingress of people, have been functioning at an extreme operational tempo. There are significant mechanical wear-and-tear issues for our 14 Armidale class patrol boats. In Air Force, we have been confronted by the ageing of our 71 FA18 classic Hornets, with something less than 40 in a state of readiness; add to that our 24 fourth-generation FA18 Super Hornets with just over half that number online. May I say thank you to Brendan Nelson for buying those aircraft—they have proved to be lifesavers. On average, we have less than 50 fighter aircraft to call upon at any given time. Our primary airborne maritime surveillance platform, the P3 Orion, was first flown in 1959. It is a long-range patrol aircraft, of which we have about a dozen available. This aircraft is vitally and crucially important to us in our maritime environment, but it is getting very, very old.

We are currently exporting, particularly from Queensland, the Northern Territory and Western Australia, massive quantities of LNG, coal and minerals, particularly to East Asia. The investment horizon is significant, with literally hundreds of billions of dollars being invested in offshore oil and gas platforms and LNG trains. All of this economic activity, which is vital to all of us, is premised entirely on maritime security.

Against this backdrop, we are told by the government that there is a changing strategic environment such that the 2009 white paper, barely three years old, requires an urgent and complete rewrite in 2013. In the face of these, and many more, significant issues for Defence, this government has decided that of all the portfolios comprising Commonwealth outputs only one, Defence, is to make a contribution to this year's first and only attempt at a budget surplus by this government. Some commentators gloss over this serious situation by saying, 'Well, it is only $5.5 billion over four years.' May I say this is both naive and derelict. Since 2009, there has been between $21 billion and $25 billion ripped out of the Defence portfolio in the circumstances described by ASPI's Mark Thomson in his recent Defence budget analysis. This plundering has taken the disguised form of direct cuts, deferrals, cancellations, underspends and hand-backs.

So inept has Labor's management of this portfolio been that in 2012 it actually handed back $1.5 billion from its capital acquisitions while ships and submarines, to name but a few, are in disrepair and are unserviceable. All the while, each of the three indifferent
Labor Defence ministers has promised that there would be an increase in the government's commitment to Defence funding in line with the fraud of the 2009 white paper. And so it was that in May 2009 Australians received from Labor the much-heralded Defence white paper, the plan for the future. The then minister had refused to confirm any projects, programs or spending for almost a year, stating time and again that all would be revealed in the white paper. This was a document that set out a clear and bold plan for Defence funding and for capability acquisitions out to 2030. It promised annual funding growth at three per cent indexed to 2.5 per cent, with a Strategic Reform Program delivering $20 billion worth of savings over 10 years, with those savings to be returned to capability acquisitions. The document also set out some $275 billion of acquisitions. The document was the culmination of extensive Australia-wide consultation, with a travelling road show consulting and promoting the process in true Labor style. We all now know it was all hat and no cowboy. The coalition, despite many reservations, gave the government bipartisan support.

We actually believed what Messrs Rudd and Fitzgibbon said. We were so wrong: this leopard did not change its spots. Labor's defence plan was, we now know, just another great lie. Admittedly we were suspicious when, of the 150 or so pages, there were only 1½ pages devoted to the costings to support this Walt Disney Christmas catalogue. We did, however, see the document as an opportunity to provide Defence and the Australian defence industry, on a bipartisan basis, resourcing and growth, above politics, and a chance to eliminate the money and policy ebbs and flows of different colours of governments and of different colours of ministers.

With this budget and the full disclosure of the government's great lie, Labor's disdain for Defence is there for all of us to see. Mismanagement and deception has now effectively taken Defence back to square one. In the three years following the white paper, the resourcing of Defence has been under attack with these spin doctor ministers telling us that the initial decline was all part of the plan and would ramp up in 2013-14. We now know that the only plan the government really had was the clever and deliberate ransacking of the Defence vote. At the time of the 2000 Defence white paper, defence funding as a share of GDP stood at 1.74 per cent. The frugal diligence of the Howard government saw that share rise to a peak of 1.94 per cent in 2009-10. Since then it has been leeches down by this government to 1.56 per cent this coming year and will be 1.49 per cent of GDP in 2013-14. This level of Defence funding, or lack thereof, has not been seen in Australia since 1937. By way of comparative GDP references, the US spends 4.8 per cent; the UK, 2.6 per cent; South Korea, 2.7 per cent; and Singapore, 3.77 per cent.

Labor has now taken us to a point where, in order to get back to the position we were in when the 2009 white paper was delivered, we now require an investment by way of an increase in funding of around six per cent for five years to raise the curve just to get back on track to the 2009 plan. This government and these ministers have looked the Australian people in the eye and dudged them in precisely the same way that they have on the carbon tax and in just the same way they did to veterans with respect to the promise to index their DFRDB.

So what is wrong with Defence suffering a substantially reduced budget to fund a surplus? The answer is absolutely simple: like the white paper promises, this surplus is a fake, a fraud and a con. Let us look at
Labor's record. In 2008 they delivered a deficit of $27 billion. In 2009 they delivered a deficit of $54.7 billion. In 2010 they delivered a deficit of $47.7 billion. In 2011-12, the just gone financial year, the estimate was $23 billion, but the deficit will actually be somewhere north of $40 billion. If the government is to be believed, it will be Labor's first budget surplus since 1989-90 and the greatest financial fiscal turnaround since records began. They are, with a straight face, saying that they will find, this financial year, $46.5 billion. So this is the phoney political imperative and the spin seeking to justify the effective trashing of Defence funding, particularly in terms of its capital account. The main point is that Defence is the main source of funds for this ALP spendathon, be it surplus or be it deficit. The Australian Strategic Policy Institute analysis of the 2012-13 Defence budget revealed the following:

Next year the defence budget will fall in real terms by 10.5%, the largest year-on-year reductions since the end of the Korean conflict in 1953. As a result, defence spending as a share of GDP will fall to 1.56%, the smallest figure recorded by Australia since the eve of WWII in 1938.

So where does all of this leave us? The good people at ASPI—Australian Strategic Policy Institute, a government funded think tank—are not given to exaggeration or histrionics, but their assessment is indeed sobering. In ASPI's celebrated evaluation entitled *The cost of Defence: ASPI Defence budget brief 2012-2013*, Dr Mark Thomson said:

The plans set out in 2009—

The white paper—
are in disarray; investment is badly stalled, and the defence budget is an unsustainable mess. Not only are cost pressures breaking out, but personnel and operating costs now dwarf capital investment.

This government and this minister have delivered to us a portfolio whose finances are now an 'unsustainable mess'. The consequences of this 'pink batt' calibre of public administration personally delivered by this Defence minister is that, firstly, we will be returned to the position we had in the years shortly before responding to the events in East Timor in 1999. Many people have very short memories as to the difficulties we encountered in mounting and sustaining that operation—difficulties and a lack of readiness which had their genesis in the mismanagement and neglect of the Hawke-Keating years. That is where we are almost certainly headed with this incompetent minister and this incompetent government. Secondly, the other important consideration is the way we treat our people. Men and women in uniform are being asked not only to contribute their service and commitment to our country; they are also being imposed upon to do so in circumstances where their terms and conditions of service are being eroded and undermined.

The consequences of Defence finances being in an 'unsustainable mess' see our people losing their flights home to see family, having their military superannuation devalued, reservists having their hours cut or cancelled altogether, soldiers short on ammunition being required to shout 'bang bang' in training exercises, and so on. And there they are up in the Timor Sea rescuing boat after boat, saving the lives of countless women and children, diving into the water or being blown up and burnt on these illegal entry vessels. And there they are in villages in Afghanistan providing protection to defenceless people, protecting schools and women and children, and being blown up by improvised explosive devices for their trouble. And there they are in their aircraft for 13 or 14 hours in the Southern Ocean providing assistance to people in distress in
one of the most treacherous and remote regions of the world.

That no other portfolio has had to stump up to facilitate this government's feigned and fake budget surplus underlines the fact that Labor has no regard for the men and women doing our bidding as soldiers, sailors and airmen. I know that General Cantwell was of this view when he said the Defence minister clearly did not respect his troops, and he was absolutely right. The arrogance of this minister sees him dismissing the concerns of respected US strategist Richard Armitage—rare criticism from a senior US strategist—former Chief of Army Peter Leahy, Major General Jim Molan, Major General John Cantwell and Lieutenant General Peter Cosgrove, former CDF. All have criticised this government's handling of this portfolio. Add to this the views of Dr Mark Thomson and this minister's capacity has alarm bells ringing loudly.

The 'unstainable mess' that Defence has become will not be fixed overnight or even in months; but, given the opportunity, the coalition will bring diligence and respect into the equation along with an admiration and regard for service men and women—in stark contrast to this incompetent government and its spin doctor ministers. As soon as the coalition can repair this unholy, unsustainable mess of Defence, we will deliver it and return to three per cent real growth. Let us be clear about the difference: we will deliver it.

Environment

Senator WATERS (Queensland) (13:11): I rise to put on record as a matter of public interest the grave concerns the Australian Greens have for the future of our precious places and unique wildlife, following the federal government's decision to hand over their responsibility to protect icons to the states. Australia's natural environment is unique and priceless—from the Great Barrier Reef, the Kimberley, Lake Eyre and the life-giving Murray-Darling Basin to Tasmania's ancient forests and our vast array of plants and animals that call Australia home. Yet Australia's environment is under greater threat today than ever before. Climate change, habitat destruction, pollution, invasive species and disease, as well as a rapidly expanding resources sector are all putting at risk our valuable natural environment. Yet our primary national environmental law, the Environment Protection and Biodiversity Conservation Act, is failing us. Rather than stepping up to save our environment, the Australian government is intending to weaken these laws even further—driven on by Tony Abbott, Liberal state Premiers and mining executives.

In April of this year, without any forewarning or consultation with the community, the Prime Minister and first ministers at COAG bowed to the demands of big business and agreed to ram through a handover of federal environmental protections for most of our matters of national environmental significance to the states by March of next year. So, in the name of supporting big business on the basis of unfounded claims about productivity, which Treasury and independent economists have blown out of the water, by March 2013 our precious heritage places, our internationally-significant wetlands, our threatened and migratory species, will lose the protection of federal oversight and decision making on what major destructive projects can go ahead.

Australia's environment needs strong national protection. Throughout history, the great environmental winds have been when the federal government has stepped in. Without strong national leadership, Australia would have seen oil rigs throughout the
Great Barrier Reef, the Franklin River dammed, the Daintree tropical rainforest destroyed and cattle grazing in the fragile ecosystems of the Snowy Mountains. Our national treasures, both our wild places and our species, are fighting for survival and nothing but strong national protection is good enough. Now is not the time for the federal environment minister to be handing responsibility for our most threatened species and precious places to the states—as both the government and the opposition are proposing. We have recently seen the dangers of the federal government giving up their role to the states with the Queensland LNP rushing to approve massive coalmines using inadequate environmental assessments, and the New South Wales government's decision to allow hunting in national parks, and the Victorian government's decision to allow grazing in alpine national parks.

For anyone involved in the great environmental campaigns that launched Australia's conservation movement—saving the Franklin or the wet tropics of Northern Queensland—the removal of the federal government's oversight is a terrifying prospect. So it warrants examination of the states' track record on the environment and whether they can be trusted to take over this responsibility to protect the places and the wildlife that are so precious and so significant nationally. Unfortunately, just the handful of examples that I have the time today to go through shows that they cannot even uphold their own environmental laws. So the federal government must not abandon its responsibility for our precious places and species, because they are simply too precious to lose.

I will start with my home state of Queensland. In just a few short months under the new LNP government led by Premier Campbell Newman, there is a litany of environmentally destructive decisions. Firstly, there is the repeal of the wild rivers laws, which safeguard our mighty free-flowing rivers from mines and dams. In Cape York, Premier Newman is going to ditch those protections and open up the cape to unbridled development, despite many traditional owners backing those laws and wanting their rivers protected. Federal Minister Burke needs to step in urgently and protect those rivers using his heritage powers. But he will have to move quickly, because the protection of heritage places will go to the states come March next year.

Sadly, under Queensland's state government, protection of our Great Barrier Reef, our national treasure, is under threat as well. Bureaucrat-level approval of Australia's largest coal mine, Gina Rinehart's 30 megatonne Alpha coal mine, happened two months ago. The mine is the start of the coal rush from Queensland's Galilee Basin that would see Australia's coal exports double by 2020, with devastating effects for the global climate and of course for our precious Great Barrier Reef, by adding to the massive dredging, dumping and shipping which is turning the reef into a coal superhighway. Yet Queensland officials gave the environmental assessment of this mine the tick despite the fact that it did not even look at the impact of run-off from the project on marine life and the reef, including dolphins and dugongs.

Under the existing agreement between the Commonwealth and Queensland, Queensland has to ensure that standards are adhered to which meet the Commonwealth's requirements. Those standards were not met and Minister Burke had to step in and take over the assessment process and then had to amend the agreement to make Queensland's obligations crystal clear to them. If the Queensland government cannot even comply with existing standards then how on earth can they be trusted with more responsibility
and a second lot of standards to comply with? They cannot.

Sadly, the list of examples of state mismanagement of Queensland's precious environment goes on. Gladstone Harbour has been the scene of an environmental tragedy for over 12 months, with dugongs, dolphins and fish dying and exhibiting disease. Of course, this has coincided with the start of the biggest ever dredging program—46 million cubic metres, which is 65 Melbourne Cricket Grounds worth—to deepen the port for mass export of liquefied coal seam gas. The fishing community and the scientists say that dredging is the main contributor to this tragedy that is unfolding in the harbour, yet the Ports Corporation blames natural events like tides and the 2011 floods. The Queensland environment department has backed the Ports Corporation despite the only independent science strongly implicating turbidity from the dredging as the cause or at least the main contributor to this environmental disaster. The state government has ignored and dismissed that science.

To add insult to injury the Ports Corporation are not even complying with the existing limits on turbidity in their state permissions. There have been countless breaches of those conditions since dredging began. And what has the Queensland government done about those breaches? They have changed the limits. They upped the amount the Ports Corporation could pollute the harbour with and set new turbidity limits that were three times the level recommended by the Australia and New Zealand guidelines on water quality. So if you break the law, don't worry about it; the state government will just change the limits for you and you can keep on polluting and killing local wildlife and the reef.

It was the same deal in June when the bund wall where some of the dredged spoil is being dumped was found to be leaking back into the harbour. Instead of having to stop dredging and fix the leak, they were able to keep dredging even while the leak was being fixed. All of this is from the very same government whose deputy premier has said, 'Oh, I think the whole Great Barrier Reef thing is overdone,' and who said that he would consider removing Gladstone Harbour from the World Heritage area instead of fixing the problems in the harbour. This is the very same state government that, under the federal government's strategic assessment, will end up in charge of approving major development in the Great Barrier Reef.

Sadly, another major mine shows yet again the fatal flaws in the federal government's plan to hand over more environmental responsibility to the states. Clive Palmer, infamous mining magnate and LNP member and donor, wants to put a 30 megalonne coal mine right on top of the last remaining bushland in the Galilee Basin, Bimblebox Nature Refuge—a privately owned 8,000 hectare protected area which is home to many threatened species. Premier Newman has already said he is in the coal business, so it is hard to imagine him refusing the wishes of his biggest donor to mine this precious area. The only hope lies in the federal government stepping in. But, of course, under their plans to hand protection for threatened species to the states, Minister Burke will not be able to protect Bimblebox after March next year. Campbell Newman will have sole control of approving a mine proposed by a member of his party and their party's biggest donor. This is simply madness.

In the short time I have left I want to have a look at some of the other states' records—firstly, New South Wales. Unfortunately,
more native bushland was wiped out in that state between 2009 and 2010 than in any other year since records began, despite the introduction of land clearing legislation in 2003. We have seen koalas disappear from between 50 and 75 per cent of their former range and they are now only mostly on the North Coast. In other parts of the state they are uncommon, rare or simply extinct. The recent federal listing of the koala allows the feds for a very short while to properly assess the threats to koala populations. But, come March next year, Minister Burke will be handing that responsibility back over to the state government—who have clearly got such a fantastic record on koala conservation!

Likewise, the New South Wales government recently agreed to allow shooting in national parks. Shooting is now going to be allowed in 79 of the state's national parks, including the iconic Kosciuszko National Park. Recreational shooting in national parks clearly risks the safety of park rangers, visitors and native wildlife and the environment and is entirely inappropriate. Really, Minister Burke, what are you thinking? These are your national environmental responsibilities—hard fought for over decades. Why on earth are you palming them off?

Turning to Victoria, the plight of the Leadbeater's possum in Victoria's Central Highlands—which is one of the state's emblems—is, sadly, a tragic indicator of what lies ahead for threatened species come March next year. The Leadbeater's possum lives in forests that are subject to regional forest agreements that allow logging over their habitat. So, even though they are nationally threatened and would normally be protected by federal laws, those laws do not apply to logging done under regional forest agreements. So the feds handed their environmental protection responsibilities to the Victorian government years ago. This is a perfect example of what happens when the states have exclusive control. It is estimated that there are fewer than 1,000 Leadbeater's possums left, and they are being pushed close to extinction by logging and 40 years of clear-felling. A court case in 2010 found that the Victorian government's VicForests had not surveyed the forest properly for the endangered species, but rather than fix that problem the state government is planning to weaken the laws and allow a senior bureaucrat to exempt from protection any forest coops that they choose.

Sadly, the examples continue. Barely a month into office, the Victorian government allowed the return of cattle grazing into the Alpine National Park—an act of vandalism that was met with outrage from the scientific community and the public at large. This required the federal government to enact special laws to ensure that the delicate alpine environment would not be destroyed by reckless, short-term grazing. The fact that the feds have been able to step in and stop this madness just highlights the critical need for our national government to not step away from protecting our nationally important assets.

Then, of course, there is Tasmania, a place of so many epic environmental battles. Imagine: without a federal government prepared to stand up for the beautiful national places Australians hold so dear, the Franklin would have been dammed and, rather than being the wild, raging river that it is, huge tracts of the beautiful south-west of Tasmania—Cradle Mountain, Frenchman's Cap and the Western Arthurs—would not have received World Heritage protection.

The story of Gunns Limited and the pulp mill highlights the lengths that state governments can go to to evade rather than uphold their own state based environmental
laws. The pulp mill was originally meant to go through a proper assessment, but that assessment found that Gunns had provided critically non-compliant information—Gunns had decided they did not like that process and were withdrawing from it. Shortly thereafter, the then Premier of Tasmania, Paul Lennon, passed laws to exempt Gunns and to strip the community of rights to protest about the pulp mill. He then approved the mill using that special legislation. How on earth does the federal government expect that our national environmental laws will be upheld by states, when states do not even uphold their own laws but rather amend them to suit their mates' interests? In Western Australia, under the COAG plans to hand over federal responsibilities for key environmental matters to the states, James Price Point in the precious Kimberley would be left solely to the WA state government, which has already fast-tracked the assessment process for the gas hub.

In conclusion, the federal government has historically played a critical role in protecting our nation's highly valuable assets, our natural resources, our wild places and our wild creatures. The Franklin would have been dammed and the Great Barrier Reef would have been pocked with oil rigs if it were not for the federal government standing up for what Australians value. History has shown the litany of decisions made by state governments where they have been willing to simply sacrifice the environment and the federal government has had to step in and take over.

This move by the federal government to shirk its hard-fought responsibilities takes environmental protection in Australia back 30 years. Every place that the community has fought to protect is at risk. Please, if you are listening and you care about Australia and you think our iconic areas and wildlife are too precious to lose, please tell the Prime Minister, Minister Burke and your local MP. Tell them to reverse this kowtow to big business and big miners and to do their job to protect the places that are so important to us—they are simply too precious to lose.

Volunteering

Senator BILYK (Tasmania) (13:25): Last night in this place during the adjournment debate, I had the pleasure of listening to one of my colleagues, Senator Thistlethwaite, speaking on volunteering. I was really interested in what he had to say. He talked about how the volunteering spirit reflects the character of our nation. He also spoke about the benefits and challenges of volunteering, especially in regard to the way society is changing and the rapidly changing landscape of technology and social spaces. In many ways I agree with Senator Thistlethwaite—and Senator Thistlethwaite obviously realises the importance of volunteering—but today I speak about a few groups of young people who realise the importance of volunteering.

It has long been considered a rite of passage for young people to broaden their experiences by travelling overseas and exploring the world. We all know what the gap year is—a lot of young people after Year 12, or before they go to university, or even while they are going through university, might take a year off and travel the world to see the sights. Some choose to work, but a number of people tend to travel the world.

There appears to be an increasing trend towards young people not just exploring the world but seeking to change it too. In this, I am talking about the concept known as volunteer holidays. The idea of a volunteer holiday is pretty much what the phrase implies. Like any overseas holiday, you go to
enjoy the sights, the sounds and the smells of another location, but in this aspect you combine your sightseeing with volunteer work to help out the communities you visit. Unlike a typical holiday, it may not be as relaxing but it is so much more rewarding.

I understand this firstly because of my own personal experience. About a year and a half ago, my husband Robert and I joined the Passionist Pilgrimage to orphanages in Ho Chi Minh City. I will not speak about that today, as I have delivered a speech in this place previously about our amazing experiences in doing that volunteer work. But what I will say is that this journey did not just benefit the children that we helped and supported; it was also of great personal benefit to both me and my husband, and to everybody else in the group. I know it is a cliche, but the pilgrimage to Ho Chi Minh City was truly a life-changing experience. Not only was it a great source of pride and personal achievement but also it helped me to gain a greater appreciation for my own good fortune.

Just last week, my husband returned from two weeks in Kenya volunteering by building chicken coops. Anyone who knows my husband might have a little giggle about that because he is not necessarily the best handyman around but, even so, he did go and he helped build these chicken coops. He is a statistician, so he was very good with the tape measure and measuring and cutting the wood, he tells me. On that trip were two young people from Hobart, Sam and Richard Thompson. Sam is 17 and Richard is 14, and they went on this trip without their parents. Sam had heard about the trip to go and work as volunteers in these orphanages, and he raised $8,000 to pay his own way and to buy 100 pairs of shoes and some other things for the children in these orphanages. He is a home-schooled child, so he did not have the benefit of raising money through his school environment, so he did this by busking. I would just like to say to Richard: 'You are going to be one of the great people in our future. Not only your contribution in going but the effort that you made to get there was, I know, truly appreciated.'

Volunteering overseas is not just something that enriches the lives of the people we are helping; it enriches our own lives as well. That is why I am pleased to work with schools in my home state of Tasmania that are giving students these experiences. In March this year, I farewelled a group of 23 students from Huonville High School who travelled to Vietnam and Cambodia to provide help to impoverished communities. Huonville High School has been undertaking this trip annually since 2010, and the students, under the leadership of their very inspiring teacher Nicola Smith, established a group called Students Working Against Poverty, or SWAP.

SWAP conduct various activities to raise awareness about extreme poverty, and they also conduct fundraising activities to help with their annual trips to Vietnam and Cambodia. One of their major fundraisers is Coffee 4 a Cause, a coffee stall run by students at local events which not only raises money for SWAP but helps students to gain valuable barista skills. They actually have their own barista cart, and they take it around to all of the local activities—the Huon show and things like that—and sell coffee and make money. They are also trained in how to do that properly and, might I say, it is very good coffee. Of course, it is fair trade coffee, so it is very good coffee.

The SWAP students have undertaken a number of projects on their trips. In 2010, they helped build a fish pond for a primary school near Siem Reap which has given the children at the school a source of protein for their diet. In 2011 they raised funds to help
build a library at Enkosa River School, at which volunteers provide free English tuition for over 300 street kids. During their 2012 trip, the students tidied and landscaped the yard of a Cambodian health outreach centre run by an organisation called Green Gecko. Founded by Australian Tania Palmer, Green Gecko provides education, food and health care for street kids, many of whom have been victims of domestic abuse, homelessness and drug use. SWAP has grown dramatically and now has 100 members across all grades at the school. The program has become so popular that trips are also being organised for adults, including parents and former students, to undertake volunteer programs such as teaching.

There are other schools in my local area that have been arranging volunteer holidays recently as well. In January this year, students from Geilston Bay High School studying Global Connections travelled to Vanuatu to construct a water tank for a village. A water tank of the kind constructed by the Geilston Bay students can supply clean drinking water to around 200 people. This tank was constructed from bricks and mortar, which provided construction skills not only for the children but for the local villagers who assisted them. Because of the hot climate in Vanuatu, plastic water tanks tend to not last very long; they tend to melt and buckle in the heat. The importance of access to clean, safe drinking water is something we take for granted in the developed world, but for those who do not have access it can be a matter of life and death. Dirty and unhygienic water can be a major source of water-borne diseases which can lead to a high incidence of child mortality.

Prior to travelling to Vanuatu, the Global Connections needed $1,500 to fund their project. The class ran a raffle and sought sponsorship for a 24-kilometre walk from Gagebrook in Hobart's very northern suburbs to Wrest Point Casino. Their major fundraiser was a cocktail party and art auction for which the students catered, sold tickets, performed music, made speeches and conducted various other organisational tasks. The Vanuatu trip was a major education in cultural awareness for the Geilston Bay High students, as they learnt local cooking, enjoyed a village feast, learned about local life and customs and learned to fish using traditional methods.

A more recent trip was undertaken by nine students from Fahan School—and they were all girls—to Vietnam for the 2012 World Challenge. During their three-week trip, they spent a week volunteering at the Quang Nam centre for the homeless and disabled in Hoi An. The students had raised money for the centre, which was used to purchase a washing machine, walking frames, wheelchairs, medicines and food. In a story about the trip on the Fahan School's website, several of the students recount how the experience has given them a greater appreciation of their own standard of living.

Volunteer holidays have also been popular with schools in the north of Tasmania. Last year, during the September school holidays, nine students from Scotch Oakburn College spent 10 days in the highlands of Timor Leste as part of their international service program. For part of the trip they stayed at Encouragement House in Maliana and taught English to students at Maliana high school. One of the most compelling experiences for the Scotch Oakburn students was hearing the horrific stories about the treatment of the Timorese during Indonesian occupation yet being surprised at their sense of hope and optimism.

In late 2010, 11 students from Smithton High School participating in the ruMAD? program, which I have spoken about in this
place before, went on a trip to Vietnam where they visited three orphanages: the Home of Affection, Tam Ky Baby Orphanage and Hoi An Orphanage. The students donated their time as well as gifts they had collected from the school community, including soft toys, sports equipment, soccer tops, stickers, balloons and pencils. The students were fortunate to have been accompanied by Carrie Hesketh, a friend of Smithton High School teacher Nick Hill. Ms Hesketh had set up an orphanage in Vietnam four years ago and is fluent in Vietnamese. The students had planned to visit Thailand but the trip had to be called off because of political unrest in the country. Instead of visiting Thailand, the students conducted a variety of fundraisers for poverty alleviation in the country, including face-painting, sausage sizzles and a Thai dinner—and they raised a whopping $32,000.

I am grateful to the students and staff of all the schools in Tasmania and across Australia who have supported aid and development projects overseas. I would strongly recommend to schools that if they want to organise an overseas excursion to make it a volunteer holiday.

There are other organisations that can help find information and make contact with relevant agencies. In my home state, the Tasmanian Centre for Global Learning provides useful advice and support, and has a particular emphasis on helping schools. For individuals who want to extend their experience and travel for, say, three months, six months or a year, the Australian government can connect people with volunteer opportunities through the aid agency, AusAid. The not-for-profit group, Australian Volunteers International, also provides a variety of volunteering opportunities throughout the world. While there are many people overseas in need of our help and support, volunteer holidays can also be taken locally.

Soon after the Black Saturday bushfires, a number of Tasmanian members of Timber Communities Australia and Rotary International travelled to provide assistance. The volunteers started work on the arduous task of replacing some 4,000 kilometres of fencing in Traralgon South, travelling to Victoria in small teams in one-week rotations. It was my great pleasure then to be available to farewell the first team of volunteers from the Bruny Island branch of Timber Communities Australia, who left in May 2009.

After the Queensland floods in 2011, thousands of people turned up at volunteer registration centres ready to help with the recovery and reconstruction. Volunteers not only came from interstate but from around the world. The small town of Mitchell reported having volunteers from the UK, Switzerland, France and Germany.

Working holidays have a number of benefits for those who participate. It allows participants to broaden their cultural experiences, to gain knowledge of other countries and their languages, customs and social norms. They can gain some valuable work skills through the help that they give, as well as the skills of planning, project management and teamwork that go into their projects. They can get a broader perspective, as they come into contact with people who experience poverty and disadvantage of the kind most Australians will never truly understand.

While we hear a lot about the poverty and disadvantage that people in developing countries suffer, seeing it firsthand has far greater educational value. If young people have volunteered overseas, it is highly valued by employers. Not only do employers value the skill, knowledge and self-
organisation that students on volunteer holidays gain; they really value the personal experiences. There is a maturity, a personal development and a greater sense of self that comes with travelling and experiencing the world. But none of these benefits will match what I consider to be the greatest benefit of all—the personal satisfaction that you have changed lives and actually helped to make the world a better place.

As part of a student's study or as a life experience, volunteer holidays create a lasting impression that no other part of the school curriculum could possibly deliver. It is an experience that will positively affect them forever and make a deep and indelible mark on their soul. I can tell that from the stories recounted to me by students who have had these experiences. In their presentation about the Vanuatu project, the Geilston Bay students said that prior to the trip they all mixed in different circles at school; now they are all good friends. Volunteering overseas or even within your own country gives you the kinds of memories that will last forever. I know this because I have been fortunate enough to have lived it.

Renewable Energy

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (13:40): I rise to contribute some comments on industrial wind turbines. Whilst the whole question of the economic benefit or otherwise of turbines to the renewable energy debate is the subject of debate, I will not be addressing it today. However, what I do want to address is the evidence—and there is a question mark here—of the adverse health impacts of industrial wind turbines and to remind the Senate that in June last year a Senate inquiry into the social and economic impacts of rural wind farms made a number of recommendations, under the chairmanship of Senator Rachel Siewert. The committee made seven recommendations and it is disappointing that to date, August 2012, some 14 months later, there has been no government response to those recommendations or the report.

In July this year, I placed on my website a document to open up some of this discussion. It was titled 'Wind turbines: the untold story'. To date, there have been 900-plus hits on that document. What is interesting to me is that in oral testimony to the Senate inquiry on 31 March last year, the CEO of the National Health and Medical Research Council, Professor Warwick Anderson, said, 'We are very aware that the high-quality scientific literature in this area is very thin.' He went on to say, 'That is why we are at pains to point out that we believe a precautionary approach should be taken to this because, as you would understand, the absence of evidence does not mean that there might not be evidence in the future.'

As a person with a scientific background, I could do no more than endorse Professor Anderson's comments. It was the outcome of a so-called rapid review undertaken by NHMRC that has been the subject of so much quoting by parties subsequent to the appearance at the hearing in March last year that I think has helped frame some of the decisions being made by local and indeed state governments around Australia. In Senate estimates in February this year, I put to Professor Anderson that it might be wise for the NHMRC to withdraw the conclusions of the rapid review, given the caution that he had expressed in testimony. He said that, no, it was not appropriate; it was not necessary to do that.

What is surprising and disappointing to me is a statement from 2009 on the NHMRC website that says, 'There is currently no published scientific evidence to positively link wind turbines with adverse health
'To this day, that still appears on the website of that Australian government agency. I strongly urge the NHMRC to review that particular statement and remove it from its website. The NHMRC has appointed a wind farms and human health reference group, under the chairmanship of Professor Bruce Armstrong, a highly acknowledged epidemiologist and fellow in public health at the School of Public Health at the University of Sydney. As I suggested to Professor Anderson in estimates this year, that is another reason for the NHMRC to step back from its decision about the absence of health effects.

As one would expect, there have been a wide range of comments on the document that I placed on my website in July. It is unfortunate that most people have not agreed with Professor Anderson about taking the precautionary approach. If I could point to one of the key recommendations of the committee—which, again, the government has not yet replied to—recommendation 4 says:

The Committee recommends that the Commonwealth Government initiate as a matter of priority thorough, adequately resourced epidemiological and laboratory studies of the possible effects of wind farms on human health. This research must engage across industry and community, and include an advisory process representing the range of interests and concerns.

If that was relevant in June 2011, I assure you it is even more relevant now.

I have had the opportunity in the last few weeks to review what, if anything, has happened in the world of wind turbines, health or other possible adverse effects since the time the report came down. I can report to you that in June this year in the United States the Falmouth Board of Health requested that the Massachusetts department of health immediately initiate a health assessment of the impacts of the operations of turbines in that area. It said:

This appeal is compelled by two years of consistent and persistent complaints of health impacts during turbine operations and the fact that a recent turbine health impact study suggested that certain elements of wind turbine operation propagate health impacts.

When I first started looking in some detail at this particular area, one of the cynics said to me:

Well, Chris, it's most interesting. It is this case: if you happen to be the host and have industrial wind turbines on your farming property in a rural area and you are earning somewhere between $9,000 and $15,000 a year you don't seem to suffer health effects; but if you're a neighbour down the road and you don't get the benefit of that annual income from having the turbines on your property it's amazing that you do seem to suffer the health effects.

I can assure you from my own communications in recent times that that theory, cynically as it has been expressed, has been debunked.

There are now people who themselves do enjoy the benefit of an income from industrial wind turbines on their properties who are coming out publicly and stating the adverse health effects that they are experiencing. In response to my question, 'Can you see the turbines from your home?' they say, 'No, I can't.' When I ask, 'Do you know when they are on?' they say, 'Yes, I do.' I ask how they know. They say, 'Because I suffer the health effects when they are on, but I do not suffer them when they are not.' I have challenged one particular family to set up a blind trial so that we can test whether or not the sorts of clinical signs they are seeing are evident or absent when the turbines are on or not. But, as a person with some scientific background and training, I am sufficiently concerned to support the view expressed by Professor Anderson, and that is...
that we should be taking a precautionary approach.

In the British Medical Journal in 2012, authors Hanning and Evans question this whole issue of the adverse impact on health in rural communities of wind turbines where they are placed too close to residences. Furthermore, a Dr Carl Phillips reported in a paper in the Bulletin of Science, Technology and Society in August 2011 that there should be greater scrutiny. His paper is entitled 'Properly interpreting the epidemiological evidence about the health effects of industrial wind turbines on nearby residents'. In the abstract of that paper he says:

There is overwhelming evidence that wind turbines can cause serious health problems in nearby residents, usually stress-disorder-type diseases, as a nontrivial rate.

He concludes in that abstract:
The attempts to deny the evidence cannot be seen as honest scientific disagreement …

Others such as Dr Pierpont in the USA and Ms Krog in Canada are seriously questioning the cynicism and the sceptics who are simply refusing to accept the possibility of genuine adverse health effects of wind turbines close to residences in rural communities. I am also aware of as yet unpublished work by Dr Robert Thorne, who supports previous peer reviewed empirical data collection from Canada, the UK and the USA, all of which reference empirical data and challenge the assertions that there is no evidence of adverse effects from wind turbines on people who are downstream of them. All of this causes me to publicly question those assertions and to plead for the government to respond to the report made to this chamber in June last year and initiate the recommendations of that report.

It is of interest to me that one of the loudest critics is himself a person who was a champion of proving the link between nicotine from cigarette, cigar or pipe smoking and the various respiratory conditions including lung cancers. Today we accept that immediately, but there was a time when that sort of evidence was being ridiculed in the public arena. It is 56 years ago since we first started to look at the possible relationship between asbestos and respiratory conditions, especially from the asbestos originating in my state of Western Australia. The asbestos mines there were closed 56 years ago, yet we still see to this day the terrible effects of mesothelioma and asbestosis occurring in the community. They tell me that the second wave of those conditions will occur in the tradesmen who worked with asbestos and they believe there will even be a third wave in people who, because of where they resided or in some other way, have been affected by asbestos dust.

There was a time when the link between asbestos and lung conditions was ridiculed. Regrettably, that is no longer the subject of any scrutiny or concern; nor is there particularly any doubt as to the link between the two. In November last year this chamber moved to accept that firefighters may in fact have suffered the effects of carcinogens absorbed through their clothing in the event of fires in the past. I was very, very proud to have been part of the committee that made the recommendation and to have spoken to the debate on that legislation. But again, I can assure you, Mr Acting Deputy President, there were sceptics at that time who were saying, 'How could you possibly draw the link between those two?'

I believe we should adopt a precautionary approach. People have expressed concern, I believe, that the various noise-monitoring exercises that have been going on to prove the case that there are no effects from sound have actually been conducted in frequencies above those which are causing the possible
pathologies and that they are conducted outside buildings. On the other hand, the evidence would appear to indicate that it is inside buildings that the low-frequency sound and the infrasound are having their adverse effects. We must adopt the precautionary approach. As was pointed out in the recommendations of the report of last year, I believe that independently conducted sound impact studies are vital. In the meantime we must, in my view, put a stop to what are currently being regarded as acceptable distances between wind turbines and residences in rural areas of Australia.

In the late 1980s and early 1990s, I had responsibility for power generation in a small community in Western Australia, which did include industrial wind turbines. They were, I believe, the first to be placed into position in Western Australia. They failed. Three of the four never became operational—the fourth did. What was interesting to me then was the fact that, in terms of the efficiency of that generation, we actually lost efficiency in our diesel generators at the time we were trying to absorb the wind power itself. We had the various fires—they are still being reported—and eventually the last wind turbine failed when one of the blades sheared off and landed in front of a tourist bus with some 40 frightened tourists on board.

We have got a long way to go in this whole question. But I come back to the point that was made by Professor Anderson in his evidence to the committee, and that simply is the fact that we do not yet know what the adverse health effects are or whether there are adverse health effects. On that basis, as Professor Anderson says, we should take a precautionary approach. I look forward to evidence from the reference group chaired by Professor Armstrong and believe that there will be further discussion on this question in this chamber.

Sitting suspended from 13:55 to 14:00

DISTINGUISHED VISITORS

The PRESIDENT (14:00): I draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from Ireland, led by Senator Denis O'Donovan. On behalf of all senators I wish you a warm welcome to Australia, and in particular to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Defence Budget

Senator IAN MACDONALD (Queensland) (14:00): My question is to the Minister representing the Minister for Defence, Senator Bob Carr. Is the minister aware of reports of whether substantial cuts to defence announced in the May budget have resulted in a decision to no longer supply the iconic rising sun badge as part of the uniform that Australian soldiers have worn since 1901? Are these reports true?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:01): I have seen no such reports; I discount them completely, and I will seek further advice from my colleague the Minister for Defence.

Senator IAN MACDONALD (Queensland) (14:01): Mr President, I ask a supplementary question. I thank the minister for his assurance that the rising sun badge will continue. Is the minister aware of reports that soldiers from the Australian Army Reserve units have reported that they are not being given live or blank rounds for training exercises, and instead are shouting 'bang bang' to simulate weapons discharges? Is it true that the Army Reserve training days are being cut from 100 to 21 per member per financial year to ensure that available ammunition will actually meet operational needs?
Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:01): I am happy to assure the Senate that the Army advises there is no shortage of blank or live ammunition. Ammunition has not been affected by budget cuts. Army training, whether through dry drills or through the use of blank or live ammunition, continues to be effective.

The 2012-13 defence budget was developed following a comprehensive review of the department's budget to identify contributions defence could make across the forward estimates to support the government's broader fiscal strategy. The decisions taken to determine defence's contribution to the budget bottom line have all been carefully designed to protect our service men and women and our defence operations, and to minimise the impact on core capabilities. This contribution will have no adverse effect on operations taking place, whether in Afghanistan or elsewhere. The short answer is, 'No, they are not', and that is the only— (Time expired)

Honourable senators interjecting—

The PRESIDENT: I did not hear that. I will allow the point of order. I believe the minister has been answering the question. If the minister has any time remaining, the minister can address the point of order.

Senator IAN MACDONALD (Queensland) (14:04): Mr President, I ask a further supplementary question. I take it from the minister's refusal to answer that the suggestion that they have been cut from 100 to 21 is not true, and I am grateful for that. Is the minister aware of reports that 51st Far North Queensland Regiment, a unit with one-third of its force as Indigenous Australian soldiers engaged in conducting reconnaissance and surveillance and engaging with the community in Northern Australia, has had to cut training operations by 75 per cent due to lack of funding? Are these reports true, Minister?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:04): I will seek further advice on the training days available to the unit he mentions, but the credibility of the senator is—

The PRESIDENT: Order! This is not time to argue. You can answer the question, but it is not a debating time. Continue.

Senator BOB CARR: Mr President, he rested his credibility today in question time on the allegation that soldiers were required to say 'bang bang' instead of firing bullets.

Senator Brandis: Mr President, I rise on a point of order. The point of order is relevance. The minister has already, in effect, taken the question on notice by saying that he would seek advice. He cannot now relevantly be permitted to go on to personally attack and reflect upon the senator who put the question.

Honourable senators interjecting—
The PRESIDENT: Order! On my right! Senator Evans is on his feet.

Senator Chris Evans: Mr President, on the point of order: the minister is 20 seconds into his answer. He is perfectly entitled in answering the question to address issues raised in the question. He is providing an answer to the Senate and the situation is where the opposition continues to try to shout him down and then take points of order after having sought information. Quite frankly, it makes a mockery of question time. They ought to allow the minister to complete his answer.

The PRESIDENT: There is no point of order. The minister has 40 seconds.

Senator Ian Macdonald: Mr President, on the point of order: the minister is very kindly giving an answer about my credibility. I did not ask him about my credibility; I asked him about whether the 51st Far North Queensland Regiment training days are being cut back by 75 per cent.

Honourable senators interjecting—

The PRESIDENT: Order! There is no point of order. The minister has 40 seconds remaining.

Senator BOB CARR: He started with the absurd allegation that soldiers were required to say 'bang, bang' instead of firing bullets, and he is wrong. The Army itself advises him and advises this house that the allegation is absurd and entirely wrong. He has no credibility on his subsequent questions. He suggests that the Army is disposing of historic badges of enormous significance to Australians. (Time expired)

Afghanistan

Senator STEPHEN (New South Wales) (14:07): My question is also to the Minister for Foreign Affairs, Senator Bob Carr. Can the minister update the Senate on the situation for women and girls in Afghanistan?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:08): Improving the lives of women and girls around the world is a top priority for this government. It is an important feature of Australia's ambitious aid program. We have advocated and continue to advocate for it strongly. I am proud to say that we will be hosting UN Women's Michelle Bachelet in Australia next week. She is an inspirational challenger for women's rights, and we are a great supporter of UN Women's work. We expect to be its second largest donor by 2015-16.

Afghanistan is an example of where practical programs are making a real difference. Afghanistan remains, of course, one of the worst countries in the world in which to be born female. Every two hours a woman dies in the country from pregnancy-related causes. Female life expectancy has increased, but it is still only 44 years. Over 80 per cent of women are illiterate, and violence against women is estimated to affect over 80 per cent of women. But our assistance is beginning to make a real difference. Under the Taliban there were virtually no girls in school. Today there are more than 2.5 million. We are seeing better representation in parliament: currently 28 per cent of parliamentarians in that country are women. So the challenges are very great, but the contribution we are making is already contributing to a better condition for girls and women in this war-torn country.

I said earlier that we will welcome Michelle Bachelet to Australia next week. She is an inspirational champion for women's rights. I expect to be able to talk to her about programs in Afghanistan where we are helping more girls to get an education and more women to deliver their babies
safely, and reducing violence against women and girls.

Senator STEPHENS (New South Wales) (14:10): Mr President, I ask a supplementary question. I thank the minister for his answer, but can he advise the Senate of what the Australian government is doing to actually improve the situation there?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:10): The Senate will appreciate that Australia has a great responsibility in Oruzgan province, where our lead role has made a difference to security outcomes. But, in terms of the contribution of Australian development aid, I can report with pride—and I think every Australian is entitled to be proud of this statistic—that we have constructed 227 schools in this province, including 39 girls schools. They were schools not there before Australia assumed these responsibilities. They were schools that did not exist when the Taliban ruled in Afghanistan. Five hundred women will participate in literacy groups. Eighty per cent of women in Oruzgan will receive at least one antenatal visit. We have trained 30 female master teachers trainers to get more women into the teaching profession.

Senator STEPHENS (New South Wales) (14:11): Mr President, I ask a further supplementary question. Can the minister actually advise, particularly in relation to maternal health in the province, of what Australian support can offer?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:11): One very sobering indicator out of Oruzgan province—again, an indicator of the poverty and the background of the whole country—is that every year around 300 mothers and 3,000 children under the age of five die. Nine out of 10 women give birth at home without any skilled support. AusAID is working with Save the Children to train midwives in Oruzgan. Forty-four female health workers have been recruited and 25 women have enrolled in the new midwifery school. The work is already saving lives. Twenty-three-year-old Basnura was trained through this program and is now training other midwives. She has experienced the all-too-common problems of women and their babies dying during childbirth. She now takes joy, with this training provided by Australia, in saving the lives of babies, in saving the lives of mothers and in teaching others to do the same. (Time expired)

Budget

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:12): My question is to the Minister for Finance and Deregulation, Senator Wong. I refer the minister to the fact that the government’s stock of outstanding debt has grown by $5 billion since the beginning of this financial year to a gross total now of $239 billion, an increase of almost $180 billion in additional debt since this Labor government was elected. The government has promised to deliver a surplus of $1½ billion, so can the minister explain why the government has increased its borrowings by over $5 billion in the past seven weeks?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:13): I thank the senator for his question and I congratulate him on having a small win over the Liberals on foreign investments. I do not agree with it, but I congratulate him on his win, although I did notice that Mr Hockey went back pretty hard at Senator Nash and put her in her place.

Senator Joyce: Mr President, I rise on a point of order. It is obviously on relevance. Her answer has not dealt in any way, shape or form with the question, although she might want to address it to the Labor Party,
who have been rolled on their position on immigration.

The PRESIDENT: Senator Wong, you have one minute 40 seconds to address the question, and you should address the question that has been asked by Senator Joyce.

Senator Wong: Thank you, Mr President. I am very happy to address the question. As the senator would know, because he has asked me questions about gross debt and net debt previously, gross debt peaked as a percentage of GDP in 2011-12. Net debt peaks as a percentage of GDP at 9.6 per cent. This is, of course, at about one-tenth of the level of the major advanced economies. We start paying down gross and net debt as a percentage of GDP this year, and net interest payments in this financial year, according to the budget figures, would be about one-half of one per cent of GDP.

We have laid out our figures very clearly. They are in the budget. They are accounted for. That, of course, puts us in stark contrast to a coalition that have never once under this economic team—including under Senator Joyce for the short period he was in this position in opposition—got their costings right. If you want to look at what an Abbott government would have to do in order to balance the books, go to the home state of the senator. Go to Queensland and have a look at Premier Newman.

Senator Cormann: You never once got your budget right! There's been a $34 billion blow-out in debt!

The PRESIDENT: Order! Senator Cormann, I draw to your attention that Senator Joyce is on his feet.

Senator Joyce: Thank you. Once more I raise a point of order on relevance. The question asked why the debt has gone up by $5 billion in seven weeks if they are telling us they are going to have a $1½ billion surplus by the end of the year. She has not answered it.

The PRESIDENT: The minister is answering the question. The minister has 35 seconds remaining to answer the question.

Senator Wong: I do not know how to explain it to Senator Joyce. I have given him the figures on gross and net debt. I have given them to him on previous occasions. It is true that there is obviously an issue about a stock of debt that he would be aware of. He is an accountant; I am sure he would understand the difference between stock and flow. But the relevant figures for the purposes of assessing the strength of Australia’s public finances are gross and net debt positions, and I have outlined those. (Time expired)

Senator Joyce: (Queensland—Leader of The Nationals in the Senate) (14:16): Mr President, I ask a supplementary question. I refer the minister to the updated NBN Co. corporate plan that the government released last week, which revealed a $5 billion blow-out in the net cost of the NBN. Given that the government will be required to borrow more debt to provide to the NBN, can the minister advise the Senate what the value of the outstanding Commonwealth government securities will be at the end of this financial year and at the end of the next three financial years?

Senator Wong: (South Australia—Minister for Finance and Deregulation) (14:17): I am happy to answer the question, but I struggle to see how this is at all supplementary to the question that was asked. As a matter of courtesy I will answer, but you cannot cope with that, can you?

Opposition senators interjecting—

The PRESIDENT: Order! When there is silence, we will proceed.
Senator WONG: Thank you, Mr President. I again invite you to consider whether this is in fact supplementary to the question earlier.

Opposition senators interjecting—

The PRESIDENT: Order! You have 32 seconds to answer the question, Minister.

Senator WONG: I suspect that in the figures that Senator Joyce has just given me he has probably mixed up capital expenditure and operational expenditure. There was an increase in capex, and the reason for that is fully explained in the corporate plan. We will also see, in fact, a slightly increased rate of return—

Senator Joyce: Mr President, I rise on a point of order on relevance. The question is quite clear. We want to know what the outstanding Commonwealth government securities will be at the end of this year and the next three financial years, taking into account the blow-out that has occurred by reason of the NBN.

The PRESIDENT: There is no point of order. The minister is answering the question.

Senator WONG: I was going to say that the corporate plan also revises the government's peak equity requirements, and any consequent effects on PDI are factored into the budget. (Time expired)

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:19): Mr President, I ask a further supplementary question. I refer to the fact that Minister Wong is a shareholder of the NBN in her role as the Minister for Finance and Deregulation. Why, then, did the minister not appear at the press conference with her fellow shareholder Minister Conroy to reveal NBN Co.'s 2012-15 corporate plan? Was she more embarrassed about revealing the corporate plan, appearing with Minister Conroy or not having any of the facts on any issues whatsoever?

The PRESIDENT: The minister may answer that part of the question that pertains to the portfolio.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:19): I have tried to recall a time when Senator Joyce appeared with Mr Hockey or Mr Robb on any occasion. I certainly think Senator Conroy and I have shared a press conference many more times than I can recall with those gentlemen.

I am one of the shareholders of NBN. I am also one of the shareholders in Australia Post, the Australian Rail Track Corporation and a range of other government business enterprises, and it would not be normal practice on every occasion to stand up with the relevant minister on the corporate plan. I am sure Senator Conroy did a very good job.

I am certainly happy to share a podium anytime with Senator Conroy. I invite Senator Joyce to tell us whether he is happy to stand up with Bruce Scott on any occasion.

The PRESIDENT (14:21): I acknowledge the presence in the gallery of former senator Chris Ellison. Welcome back.

It hasn't changed!

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:21): Mr President—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Hanson-Young is entitled to be heard in silence. Order on my left!
Senator Hanson-Young: I apologise. It is just that it seems as though Tony Abbott is running the government.

The PRESIDENT: Order! Senator Hanson-Young, that is not in order. Whom is your question directed to?

Senator HANSON-YOUNG: My question is to the Minister representing the Prime Minister, Senator Evans. Minister, we have just seen Labor and the coalition vote on legislation to expel refugees, including children, offshore with no protections and no time limit. One member of the coalition has labelled this as 'open-ended exile'. The question to the minister is: does the government agree with the coalition that 10 years is an acceptable length of time for refugees to be dumped on Nauru or Manus Island?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:23): Thank you, Mr President. I am glad to see you are not impersonating Senator Parry; you have far too much hair! I thank the senator for her question. The key point to make is that the Houston committee reported to parliament the result of their extensive inquiry to try to find an appropriate response to the increase in boat arrivals we have seen in the last couple of years. It is the case that the government, following that report, endorsed its recommendations. It is true to say that some of those recommendations were not easy for either of the major parties in this place to support, but, given the strength of the report and the fact that they came up with what they see as an integrated and comprehensive response which focuses on a regional cooperation and protection framework, the government has brought legislation—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Hanson-Young is entitled to hear the answer without interjections from my left.

Senator CHRIS EVANS: The government seeks to give legislative effect to the Houston report. Those amendments will come before—

Senator Joyce interjecting—

The PRESIDENT: Order! Senator Joyce, after I had asked for silence you deliberately carried on and that caused another person to interject. Interjections on both sides are disorderly—let me make that point. Senator Hanson-Young is entitled to hear the answer to her question without other senators intervening across the chamber to carry on their own discussion.

Senator CHRIS EVANS: That package will come to the Senate either later today or early tomorrow and we will have a chance to debate that legislation. It is important to understand that one of the key points former CDF Houston and the committee made is that this is a question of being hard-headed, not hard-hearted, and that there should be no single focus for policymaking but rather an attempt to find an integrated strategy that deals with the issues we are facing but also maintains Australia's reputation as a nation generous towards refugees. (Time expired)

Senator HANSON-YOUNG (South Australia) (14:26): Mr President, I ask a supplementary question. With all due respect, Minister, there was a very specific question asked. Does the government believe it is acceptable to detain people in Nauru and Manus Island for up to 10 years? That is what the coalition has said is acceptable; that is what Mr Morrison says your legislation does. Does the government agree?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:27): We
can debate the detail of the legislation when it comes into the parliament, but the basis of the Houston report and the amendments we are pursuing is to shift the balance of risk and incentive. It is very much about trying to shift that balance and lead to something that will favour regular migration pathways. There is no question that some of the implementation arrangements of this program will have to be followed—

Government senators interjecting—

The PRESIDENT: Order on my right!

An opposition senator: No principles, Doug! You've got no principles!

Senator Cameron: With a bit of common sense it would not be on the table!

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

Senator CHRIS EVANS: The key point I am trying to make is that the report sought to give effect to two key principles, in my view. One is the no-advantage principle, which is that there be no advantage, in seeking to come here by boat, over the processing arrangements that would apply more generally before people undertook that journey, and the other is the principle that we ought to be hard-headed but not hard-hearted.

Senator Milne: Mr President, I rise on a point of order. The minister is representing the Prime Minister. The legislation is in the House of Representatives. We are entitled to hear an answer. Is it or is it not 10 years of indefinite detention?

The PRESIDENT: There is no point of order. There are two seconds remaining. The minister will respond to any further supplementary question, if there is one.

Senator HANSON-YOUNG (South Australia) (14:29): Mr President, I ask a further supplementary question. From the lack of an answer from the Minister representing the Prime Minister, it seems it can only be assumed that the government, the Labor Party, now agrees that 10 years is just not tough enough. Ten years is not tough enough! Is there a limit to the cruelty that this government is prepared to inflict on vulnerable refugees and children?

Senator Brandis interjecting—

The PRESIDENT: Order! You will need to withdraw that, Senator Brandis. Even I heard that.

Senator Brandis: I withdraw.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:30): As I said earlier, I think the Houston report and the legislation seek to establish two important principles, among other initiatives, and I do not think the sort of emotive language that the senator uses helps in what is a very difficult public debate. I know the passions are high about these things, but while I am on my feet I would say to the senator that I thought her attack on Mr Paris Aristotle the other day was disgraceful. Given that Mr Aristotle has been one of the largest contributors to assisting victims of torture in this country and has worked with refugees for over 20 years, I thought to have his name besmirched because you did not like the report was an outrage.

Senator Hanson-Young: I raise a point of order: Paris Aristotle has asked for humane treatment for these people and the legislation before parliament is anything but.

The PRESIDENT: That was debating the issue; it was not a point of order. The minister has 16 seconds remaining to answer the question.

Senator CHRIS EVANS: I remind the Senate that Mr Paris Aristotle was the person
who helped negotiate people off the *Oceanic Viking* and he spent weeks trying to assist those people. I think when we are debating the report we ought to debate the facts and the public policy questions that confront the parliament. *(Time expired)*

**Carbon Pricing**

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:32): My question is directed to the Minister representing the Prime Minister, Senator Evans. Is the minister aware that today is the second anniversary of Mr Wayne Swan's vehement denial, in the final week of the 2010 election campaign, that a re-elected Labor government would introduce a carbon tax, and of his description of the suggestion that Labor would introduce a carbon tax as a 'hysterical allegation'. Why does the government feel so free to break its most solemn commitments to the Australian people?

Honourable senators interjecting—

*The President:* Order! On both sides, when there is silence we will proceed. If you wish to debate the issue, debate it after question time.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:33): It must come as news to Senator Brandis, but this parliament has actually passed legislation introducing a carbon price. It may have gone past Senator Brandis as he focuses on persecuting people without proper hearing in his public comments. We have legislated to introduce a price on carbon. The parliament has passed that legislation and if the senator is not aware, I inform him that on 1 July this year that system came into place. We did that because there had been a series of reports and inquiries over many years that pointed us to the need for that price. I remember Mr Costello, the former Liberal Party Treasurer, advocating for it. And then there was a very fine report done in 2007, which the then Prime Minister John Howard accepted; he argued as a result of that report that we as a nation ought to bring in a price on carbon. So both major parties in this country have for a number of years now supported a price on carbon. But when the Liberal Party ambushed Mr Turnbull, we saw the extreme right wing forces in the Liberal Party overthrow Mr Turnbull and renege on that commitment to climate change policy. We know that now the carbon price is in place the Liberal Party will never repeal it, because they know that, at the end of the day, this is good for the Australian economy. The transition is being made. Appropriate compensation arrangements are being put in place for industry and we know that this is a good thing for the environment and for the Australian economy. *(Time expired)*

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:35): Mr President, I ask a supplementary question. Given that the introduction of the carbon tax is just another broken promise in the litany of broken promises from this government, including the broken promise to preserve defence spending, the broken promise to retain the private health insurance rebate, the broken promise on gambling reform and the backflip on offshore processing that has so offended the Greens, why should anybody believe anything this Prime Minister or any minister in this government says?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:36): That is the second senator working themselves up to outrage in the parliament today. Can I just make it clear that if the senator is interested
in me answering a question that is policy based, I am happy to help. But, quite frankly, when you get to the third coalition question of the day, after doing questions about ammunition for reservists, to then come and present outrage—

Senator Brandis: On a point or order: it was a broad question, but it was a broad question directed to the issue of the government's credibility and its litany of broken promises, but it is not responsive to any part of that question merely to cast reflections on the opposition.

Senator Jacinta Collins: Mr President, on the point of order: again the opposition complains, as they often do, about the answer to a question—in this case a very broad question. Senator Evans is being quite relevant. I suggest that Senator Brandis stops sooking.

The President: There is no point of order. The minister has 33 seconds remaining to address the question.

A government senator: Chris Ellison can't stand it anymore.

Senator Chris Evans (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:37): I think former Senator Ellison treated the question with the respect to which it was due and left the chamber.

This is the sort of lowbrow political point-scoring you resort to when you have run out of questions. You get to the third question in question time and you try go on about broken promises and so on. It was a broad question; it was a stupid question.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:38): Mr President, I ask a further supplementary question. Given that we now know what the impact of the carbon tax will be, with massive electricity price increases, business and consumer confidence at continued record lows, and job losses as the world's biggest carbon tax takes its toll across the economy, when will the government stop its hysterical behaviour—

Senator Wong interjecting—

The President: Order! I have said it for other people asking questions: they are entitled to be heard in silence.

Senator Brandis: I see the irony, Mr President, of you calling Senator Wong to order when I was accusing the government of hysterical behaviour. When will the government stop its hysterical behaviour and scrap this tax that is based on a lie?

Senator Chris Evans (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:39): The fear campaign of Senator Brandis and the Liberal Party leading up to 1 July fell flat. They are out of material now, because the things that they threatened did not come to pass. But it is disingenuous in the extreme for the Liberal Party now to pretend that the electricity price rises that have occurred in Australia in the last couple of years—over 40 per cent in many states—were driven by the carbon price that was introduced on 1 July. Everyone, apart from the opposition, knows that the small impact of the carbon price was covered by the household assistance and pensioner assistance packages paid by this government. But it is an absolute untruth to claim that the carbon price is driving those electricity price increases. When you run out credible claims you resort to fear, and everyone knows it is untrue. (Time expired)

Broadband

Senator Bilyk (Tasmania) (14:40): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. Can the minister advise the
Senators of the direct contribution of the National Broadband Network to Australia's economy? In particular, what does the NBN mean for jobs and investment?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:41): I thank Senator Bilyk for her question and her interest in the NBN. The National Broadband Network is generating new jobs and new investment in our economy. NBN Co. has awarded contracts worth more than $2 billion to companies operating in Australia that provide equipment for NBN installation in homes and businesses.

Prysmian, Corning and Warren & Brown are just three examples of the new investments and job opportunities flowing from the National Broadband Network. Last week I visited the Prysmian plant at Dee Why on Sydney's northern beaches. Prysmian has invested more than $11 million to manufacture the specialised ribbon fibreoptic cables being used for the NBN—one of those you can see here. There are 576 fibres in that cable. The five-year contract ensures job certainty for the 125 Dee Why staff, and up to 50 new local jobs will also be created.

In May I visited the expanded Corning facility in Clayton, Victoria, where they will manufacture optical fibre cable and hardware. This company is investing up to $40 million in its Clayton operations, adding around 300 to 400 new jobs during the peak of the NBN rollout. Warren and Brown Technologies have been awarded contracts for fibre wall outlets and other equipment. The NBN contracts have resulted in 40 new jobs in their state-of-the-art facility in Maidstone, Melbourne.

Senator Brandis: Mr President, I raise a point of order on relevance. Might the minister, in responding to Senator Bilyk's question, tell the Senate how many customers the NBN has.

The PRESIDENT: That is not point of order.

Senator CONROY: The NBN is creating new jobs, new investment in cable plant and new research and development in Australia.

Senator BILYK (Tasmania) (14:43): Mr President, I ask a supplementary question. Can the minister provide any further information about jobs directly created by the NBN? In particular, can the minister provide information on jobs being created in the private sector?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:44): Apart from the jobs created in places like Prysmian, Corning and Warren & Brown, the NBN is a massive engineering exercise. NBN has contracted with leading firms like Transfield, Silcar, Syntheo, VisionStream and Siemens for the construction of the NBN. Today those contractors employ more than 1,000 workers to build the National Broadband Network. At peak there will be more than 16,000 private sector workers building the fibre network alone. Those contractors will be installing the fibre being manufactured at Corning and Prysmian. And you will know when the NBN is being installed when you see these contractors pulling this green fibre cable through the Telstra ducts. Only one thing can threaten that. (Time expired)

Senator BILYK (Tasmania) (14:45): Mr President, I ask a further supplementary
question. Can the minister advise what risks there are to these jobs and this investment?

Senator Brandis: And tell us how many customers you have got.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:45): Seventeen thousand—again! The single biggest risk to these jobs—

Opposition senators interjecting—

The PRESIDENT: Senator Conroy, please resume your seat. When there is silence we will proceed.

Senator CONROY: Thank you, Mr President. The single biggest risk to those jobs—the 16,000 and the hundreds and hundreds manufacturing fibre—is, of course, those opposite and the Leader of the Opposition, Mr Abbott. The Leader of the Opposition described the NBN as a 'great leap backwards'. He told the Sydney Institute, 'We won't keep Labor's NBN because there is no need for it.' The opposition will not even commit to a network that can deliver the 50-megabyte services the Victorian government says that 350,000 Victorians are demanding. Very simply, they want to build, as Citibank stated, a cheap and dirty network. A one-lane Sydney Harbour Bridge is all you are happy—(Time expired)

Carbon Pricing

Senator BIRMINGHAM (South Australia) (14:47): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. I refer the minister to the annual survey of the CEO Forum, which indicates that 41 per cent of respondents are less likely to invest in Australia now than they were 12 to 18 months ago and highlights the carbon tax as their top target for reform or abolition. I further refer the minister to concerns from the Business Council of Australia that the government may be about to artificially inflate its carbon tax through changes to international trading rules. Will the government heed these concerns from those responsible for the employment of hundreds of thousands, if not millions, of Australians and rule out imposing additional carbon tax costs on Australian businesses?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:48): There are two aspects to the question. The first is in relation to the CEO survey. I, amongst others, including the Prime Minister, the Treasurer today and I think my colleague Mr Robb yesterday did speak to the forum for which that survey was conducted—and it was a great pleasure to do so. In terms of investor confidence, I think the facts, if I may say, do speak for themselves. Since we came to government there have been some $919 billion—

Senator Conroy: How much?

Senator WONG: There have been some $919 billion of private investment that has already occurred, despite the global financial crisis—some $919 billion, equivalent to about two-thirds of Australia's annual GDP—since this government came to power. Those on the other side, particularly the shadow treasurer and others, who run around seeking to talk down the Australian economy—to trash talk the Australian economy—do no Australian workers any favours. By running around talking in ways that damage confidence, by suggesting to people that somehow the economy will grind to a halt on 2 July, really does no Australian worker any favours.
In relation to international trading, which was the second aspect of the question—really, I think Senator Birmingham's way of getting two questions, but I like him so I will make sure I answer both of them in the first two minutes—I answered yesterday a question about international trading rules, and I would refer him to those answers. But I do want to say this: if he cares about international linking, he should have a look at his policy and his position, because the coalition say that they do not want any international trading or international linking—and that is what drives up the cost of your policy. You should understand that, Senator Birmingham. You should listen to the BCA. (Time expired)

Senator BIRMINGHAM (South Australia) (14:50): Mr President, I ask a supplementary question. I refer the minister to her statement yesterday to the Senate regarding carbon tax revenue that:

The government updates its costings in the usual way in the budget and in budget updates, and that is the approach the government will be taking.

I ask the minister: why did the government not update its estimates for the carbon price in 2015-16 when it handed down this year's budget but instead relied on estimates that were at least a year old?

Senator Jacinta Collins: Mr President, I rise on a point of order. On one occasion there was a question that was very vaguely linked to the principal question, but on this occasion it is not a supplementary question.

Senator Birmingham: Mr President, on the point of order—and I understand Senator Collins may not appreciate this, but I would have thought that Senator Wong would—the initial question referred to the BCA and to concerns about the artificial inflation of the carbon price.

Senator Wong: Investor confidence.

Senator Birmingham: The initial question—do you want me to quote it?—referred to 'concerns from the Business Council of Australia that the government may be about to artificially inflate its carbon tax through changes to international trading rules'. Such an action would have a direct impact on revenue, which is what the supplementary question is about. The two are very clearly related, Mr President.

The PRESIDENT: Order! I am going to allow the question.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:52): The answer to the second question is set out in the budget papers.

Senator Fifield: No, it's not!

Senator WONG: It is. There is an explanation in there.

The PRESIDENT: Order! If you wish to debate the issue, the time to do so is after three o'clock.

Senator BIRMINGHAM (South Australia) (14:53): Mr President, I have a further supplementary question—

Senator Chris Evans: Have you found the budget papers?

Senator BIRMINGHAM: and it is related to the budget papers—

Honourable senators interjecting—

Senator BIRMINGHAM: and to the next set—will the minister commit that the Mid-Year Economic and Fiscal Outlook will, to use the minister's words, update costings in the usual way for the carbon tax, reflecting the reality that no analyst or commentator expects the global carbon price to be at the levels the budget currently assumes for the 2015-16 forward estimates? (Time expired)

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:53): Mr President, how is that a
supplementary question to the primary question?

**The PRESIDENT:** I am allowing the question, Minister.

**Senator WONG:** In response to the second question, I referred the senator to the budget papers because they set out the reasons for the government choosing to rely on the Treasury modelling.

*Senator Brandis interjecting—*

**Senator WONG:** Senator, that is a matter for argument. The response to it was clearly set out in the budget papers. The government will continue to update the budget in the usual way at the MYEFO at the next budget, which is more than can be said for the coalition, who have yet to produce a properly costed policy, who continue to use catering companies and those found to have acted unprofessionally to do their costings and who then come in here and expect people to take them seriously when it comes to the economy.

**Supermarkets**

**Senator XENOPHON** (South Australia) (14:54): My question is to the Minister representing the Assistant Treasurer, Senator Wong. On Monday, Master Grocers Australia released a damning report into the effects of Australia's supermarket duopoly—the 80 per cent share of Coles and Woolworths in the grocery market—on competition, and the wider implications for consumers, suppliers and local communities. Among other things, the report recommended the Australian government reintroduce a prohibition on anticompetitive price discrimination, similar to that in place in other OECD nations, and repeal the provision in the Competition and Consumer Act that allows cross-subsidisation between related entities. How does the federal government plan to address the serious issues this report raises?

*Senator Chris Evans interjecting—*

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:55): I was just waiting for Senator Evans's little interjection to finish because I was interested to see if Senator Xenophon wanted to respond to him, but that is another issue I suppose. I thank Senator Xenophon for the question. I also welcome him back and hope he is feeling much better after being away.

**Senator Abetz:** Not after this answer!

**Senator WONG:** That is harsh, Senator. The government is aware of the report by Master Grocers Australia to which the senator refers and is also aware more generally about concerns regarding the behaviour of major market players towards their suppliers. The government takes these concerns seriously. Whilst price competition between large supermarkets has, thus far, benefited consumers through lower prices, people are concerned that this may have been achieved by major market players adopting practices which may raise questions under our competition and consumer laws—and I know senators in this place would have experienced their constituents expressing these views.

The government has amended the law in recent years to strengthen competition law and to provide the independent regulator, the ACCC, with the powers it needs to effectively pursue anticompetitive conduct. I advise that Master Grocers Australia have called for the reintroduction of the prohibition on anticompetitive price discrimination. The former law prohibiting anticompetitive price discrimination was the subject of a number of comprehensive reviews. I am advised that these reviews found that the prohibition actually increased, or locked in, the high prices paid by consumers and by small business.
In the Dawson review, which was the most recent comprehensive review of Australia's competition laws, it was noted that misuse of market power provisions in the competition laws are able to tackle anticompetitive pricing practices. In relation to allegations about cross-subsidy between related entities, the government is of the view that the current laws are appropriate and provide suppliers and consumers with significant protections against anticompetitive conduct.

Senator XENOPHON (South Australia) (14:57): Mr President, I ask a supplementary question. In February this year, the then Minister for Manufacturing and Minister for Defence Materiel, Senator Kim Carr, stated that he had genuine concerns about the way in which our supermarket chains were treating our local suppliers. Senator Carr said:

I continue to receive complaints from manufacturers about the way in which contract negotiations are conducted and contract terms are applied. There are many ways in which these problems could be fixed, but there is absolutely no doubt in my mind of the consequences of doing nothing.

With this in mind, what actions has the federal government taken about the serious concerns raised by Senator Kim Carr?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:58): I am advised that Minister Carr in his then portfolio wrote to the Assistant Treasurer noting some of the concerns to which Senator Xenophon has alluded, and concerns which had been raised by manufacturers. Those concerns were passed on to the ACCC by the Assistant Treasurer. As the senator is no doubt aware, the ACCC is an independent statutory authority and makes its own decisions regarding investigation and enforcement. It is the government's view that the ACCC should continue to have the powers it needs to effectively pursue anticompetitive conduct wherever it may be occurring.

We welcome the recent focus placed on the major supermarket chains by the ACCC. The commission has also stated that during 2012 it will be giving priority to competition and consumer issues in highly concentrated sectors, particularly the supermarket sector. The ACCC is closely examining major supermarket chains to ensure that any negotiations of supply arrangements are not unconscionable and do not involve a misuse of market power.

Senator XENOPHON (South Australia) (14:59): Mr President, I ask a further supplementary question. Given Minister Kim Carr's comments in February and the release of Master Grocers Australia's report on Monday, does the government concede that more needs to be done in addition to those steps outlined by the minister in relation to the dominance of Coles and Woolworths in the grocery market?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:59): To a great extent, Senator Xenophon, through you, Mr President, I really answered that aspect of the question, I think, in response to the first question. I understand the concerns the senator has raised. It is obviously an issue, as people would be aware, that many constituents have made representations on. The government's view is that Australians can be confident that there is a strong and robust set of competition and consumer laws and also a regulator that has appropriate resources and appropriate powers.

I would remind the Senate that the government amended the law in recent years to strengthen Australia's competition laws and also to provide the regulator, the ACCC, with the powers it needs to effectively pursue
anti-competitive conduct. The ACCC, as I indicated in my earlier answer, was advised of concerns by the Assistant Treasurer, and I also understand they have called for producers to come forward with complaints and information about their dealings with the supermarkets. Such complaints would be treated confidentially and seriously. *(Time expired)*

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

**QUESTIONS WITHOUT NOTICE:**

**ADDITIONAL ANSWERS**

**James Price Point**

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (15:00): On 14 August 2012 during question time Senator Siewert asked me a question as the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities concerning James Price Point. I seek leave to incorporate the answer in Hansard.

Leave granted.

The answer read as follows—

**QUESTIONS**

3a How is the government going to undertake to make the decision?

3b Is the government aware that Woodside have told marine researchers not to tell anybody about the fact that they had photographed the miniature spinner dolphins?

3c What action will the minister take to address this particular issue around the miniature spinner dolphins?

**RESPONSE**

3a Under the terms of reference for the joint federal-state strategic assessment for the Browse LNG precinct, potential impacts to protected matters, such as humpback whales and dolphins, must be appropriately investigated.

The minister will not be in a position to make a decision on this proposal until all matters required by the terms of the strategic assessment, with a focus on potential impacts to matters of national environmental significance, have been appropriately investigated by the Western Australian Government.

3b No.

3c Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) all cetaceans, including whales and dolphins, are protected in Australian waters.

Potential impacts to protected matters, such as dolphins, must be appropriately investigated and addressed by the Western Australian Government in its strategic assessment report and plan for the Browse LNG Precinct.

**QUESTIONS WITHOUT NOTICE:**

**TAKE NOTE OF ANSWERS**

**Defence Budget**

Senator JOHNSTON (Western Australia) (15:01): I move:

That the Senate take note of the answer given by the Minister for Foreign Affairs (Senator Bob Carr) to a question without notice asked by Senator Macdonald today relating to Australian Defence Force funding.

In so doing I want to say that the parliament should be very concerned. We have had reports of cuts in Defence, but a new low has been reached in the last 24 hours with respect to the support and supply of ammunition to Reserve soldiers, and I am told it is in North Queensland. A common metric for the measure of how well things are going in Defence over many years has been the supply of ammunition. Apparently it is one of the first things that begins to show up as being depleted in supply when funds are tight.

We heard yesterday and again today of men running around in training, being without blank ammunition in exercises and
being asked to shout out the words, 'Bang! Bang!' Can I say that the first time I ever saw this was on Dad’s Army. Captain Mainwaring and all of those guys on Dad’s Army as I was growing up, with their picket rifles that were made out of wood, were told to shout, 'Bang! Bang!' It is embarrassing. It is morale sapping that highly trained people who are prepared to commit their lives to this country are asked to do that in training. That is the low ebb that this level of government incompetence has taken us to.

It is things like the rising sun badge on the Australian uniform being apparently under threat and no longer supplied and 51 FNQR, a unit with 33 per cent Indigenous Australian soldiers, having their operations substantially reduced because of cuts. I actually heard that one of our submarines is sitting on the hard at ASC in Adelaide and a committee was informed by people at ASC that the Defence department had said, 'Don't start doing the maintenance for at least six months because we haven't got the money.' We have not got the money and we are one month into the new financial year. How can you not have the money in August? In two words, Defence is an 'unsustainable mess'.

Dr Mark Thomson, one of the lead analysts in the government’s own Australian Strategic Policy Institute has categorised defence finance as an unsustainable mess delivered to us by this minister and his representative minister here, who is probably the most cavalier, disrespectful minister in the government. He just waves away these allegations that people do not have money. He is not even concerned that people are training by saying, 'Bang! Bang!' He just says, 'No, not true'. He does not say, 'I am concerned about that; I did go and ask about that. I had a report on my desk first thing this morning when I heard about it because it is very serious allegation.' No, there is none of that. This unsustainable mess is met with cavalier disregard. Army training reserve days—usually 100 days per year for people who are committed to train to protect us—have been reduced from the 100 I mentioned down to 20 to 21. Most of them will not even turn up. It is not even worth putting on the uniform for that.

Richard Armitage is a very, very respected United States strategic adviser and public official. For him to chat us about the level of spending on defence is one of the lowest ebbs I have ever seen. It is a disgrace and this minister should be ashamed that someone of his standing has had to chat us. He should be more ashamed, because he is no orphan. There are Peter Leahy, former Chief of Army; Major General Jim Molan, who was in charge in Iraq; and John Cantwell, a very decorated, brave soldier who led us in Afghanistan. He says that this budget is a shocker. Also, of course, there is the well-renowned and respected Peter Cosgrove. He says that this government has lost the plot on defence.

No other portfolio had to stump up for this crazy budget surplus. Why was it only Defence that had to find the $5.5 billion? This is a complex, expensive and difficult portfolio, way beyond the expertise of these incompetent ministers. Why did they only go to Defence and treat it like an ATM? It is because they hate Defence. They hate Defence and they hate what Defence stands for—the strength to oppose aggression of our country. (Time expired)

**Senator Stephens** (New South Wales) (15:06): It is interesting to have to follow Senator Johnston and what can only be described as the most bizarre claims. We know we have shared a view in Australia that we support our defence forces, and our defence industries as well which is something that he just mentioned. The notion that a government would look to undermine
defence spending and that we would be starting our conversation in question time today around the issue of blank rounds during exercises for reservists and the issue of the rising sun badge just goes to show that really the thing that the opposition does not want people to know is the extent of the current investment in the defence portfolio. I will give two examples of that if I could. The first is the redevelopment of Holsworthy Army Base. The redevelopment of that base will receive $870 million—for specialist equipment for our special air commando training facilities, parachute training and diver training, and for a six-metre deep pool. This is state-of-the-art investment to make sure that our defence personnel have the training facilities they need to maintain cutting edge skills. The idea that we have abandoned defence in the way that Senator Johnston has suggested really is an insult. And there is $179 million for the royal military school of engineering project, which is all about ensuring that we can rebuild the skills base that has dissipated out of the defence services over the last decade or so. It is an issue that we have all been dealing very closely with on the Senate Standing Committee on Foreign Affairs, Defence and Trade, so I find it quite insulting that that would be Senator Johnston's attack today.

Let us go to this nonsense issue that was raised, the question asked of Senator Carr about using blank rounds. Senator Macdonald asked that question, suggesting that it was due to budget cuts. Quite frankly, let us get this story properly on the record. First of all, the Army advised quite clearly in Senate estimates that there is no shortage of blank or live ammunition and that ammunition has not been impacted by budget reductions. Everyone has been clearly thinking about how to reconfigure the defence expenditure. Of course we have asked Defence to find some savings. They were not the only department asked to find savings. And, as the Army has said, this issue about ammunition has not been impacted by budget reductions.

Let us get this issue on the table and get the truth out there: there is an issue that in some training areas for Army reservists there are environmental noise restrictions. In those circumstances, soldiers are advised. It is a general practice. It is called a dry drill. It is very generally understood and a common practice across the reservists, and again it has nothing to do with budget reductions. Army training, we know, continues to be very effective, whether involving dry drills or whether using blank or live ammunition.

The idea that this would be the critical, leading question from the opposition today in question time really beggars belief. I know the concern was raised about the rising sun badge and at the time Senator Carr did not have information on that. But that too was raised in Senate estimates and it was very clear from the information that the defence officials gave that it was the Chief of Army who made that decision to remove the rising sun badge from the downturned brim of the general duty grade 2 slouch hat. His decision had nothing to do with budget announcements or any other financial considerations. His actual justification for the decision—so that people do understand—was that the rising sun badge should never be hidden from view or worn pointed to the ground, as is the case when worn on the downturned brim of the general duty grade 2 slouch hat, because it is disrespectful.

Senator IAN MACDONALD (Queensland) (15:11): The Australian Strategic Policy Institute said: 'Next year, 2012-13, the defence budget will fall in real terms by 10.5 per cent, the largest year-on-year reduction since the end of the Korean
conflict in 1953. As a result, defence spending, as a share of GDP, will fall to 1.56 per cent, the smallest figure recorded by Australia since the eve of World War II.'

We are talking about the questions I asked today. The first question asked was whether reports could be confirmed that the iconic rising sun badge that has been worn as part of the uniform of Australian soldiers since 1901 was going to be removed. I have it on good authority—and forget about what Senator Ursula Stephens just said; she is talking about a different issue—that the rising sun badge will no longer be allocated as part of the Australian uniform. As a result of the question today, Senator Carr assured me that that is wrong and he assured me that the badge will continue to be given. I will hold him to account. If by asking that question, I have that assurance then I and every member of the Army will be delighted.

My second question asked whether it was true that reservist training would be cut from 100 to 21 days per reservist member. Senator Carr did not directly answer it, but I take it from his demeanour and from his non-answer that he disagrees with that. Again, I am assured by Senator Carr that the cutting of Army reserve training days to 21 is not true and that every reservist in Australia will be able to get at least 100 training days per financial year. Again, I have it in writing that that is not true, but Senator Carr has said I am wrong and that the 100 remains. I will be following Senator Carr with a microscope to see what happens with that.

My third question was about 51 Far North Queensland Regiment, one-third of whose soldiers are Indigenous people and whose role is to be the eyes and ears of Australia, and to interact with Indigenous communities, up on our remote borders. I understand from information given to me that training days are to be cut by 75 per cent. I accept absolutely the information that has come to me. Senator Carr is saying that is not correct. I know Senator Carr is not right and I am sure that, having made that assurance here in the parliamentary chamber, he is back on the phone as I speak, ringing the generals and saying, 'General, I don't care where else you cut defence spending but make sure it's not to 51 Far North Queensland Regiment, make sure it's not about the rising sun badge and make sure it's not about reducing reserve force training days.'

I know and have on firsthand authority from any number of reservists who contact me in my office in Townsville, the garrison city of Australia, that in recent weeks there has been no ammunition, live or blank. The troops have been going around pointing their weapons and saying, 'Bang, bang, you're dead!' because there is no other way they can indicate that their training is being effected. So let the Labor Party and Senator Ursula Stephens try to misrepresent the situation, but these are real cuts to our reserve training and to our reservists. I have put on the record that I am delighted with Senator Carr's off-the-cuff answers, which he knew nothing about but said them in the chamber, and I am going to hold him to them. And isn't every reservist and every Army member around Australia delighted! (Time expired)

Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (15:17): I rise to take note of the answers to questions today about defence expenditure and the defence budget. Senator Stephens in her contribution touched on a couple of the issues, about blank rounds and the Army's rising sun badge, that were raised in the questions. Before I touch on those two issues I want to say that there is, of course, no greater responsibility for a government than the defence of Australia and Australia's interests.
The defence budget was developed following a comprehensive review of the department's budget to identify contributions defence could make across the forward estimates to support the government's broader fiscal strategy. The government has made its choices very carefully. None of the savings will impede our nation's defences. We will maintain an Australian Defence Force able to protect our interests and help maintain the peace and stability of our region. Most savings come from deferring some defence acquisitions and adjusting the defence capital equipment program, but they also come from delivering further operating efficiencies. Also planned is a reduction of 1,000 civilian positions in the defence department. These will be achieved primarily through natural attrition and the tightening of recruitment practices.

Notably, there will be no adverse impact on operations— all are fully funded. I repeat: there will be no adverse impact on operations; they are all fully funded. There will be no adverse impact on military numbers— Navy, Army or Air Force. There will be no adverse implications for kit or forces about to be deployed or on deployment. There will be no reductions in conditions or entitlements for service personnel other than those already being considered as part of the Strategic Reform Program. The focus of this budget's capability activities will be on improving airlift, land mobility and submarines, afloat support, communications, interoperability and electronic and cyber warfare. The total value of projects planned to be considered for 2012-13 is approximately $9 billion. So for Senator Macdonald and Senator Johnston to come in here and try to indicate to Australians listening to the Senate today that somehow the government is putting at risk Australians and Australia's welfare is absolutely untrue. It could not be further from the truth.

One of the issues Senator Macdonald raised in his question in the Senate today was about the use of blank rounds. Senator Ursula Stephens in her contribution to this debate has already indicated that the Army has advised there is no shortage of blank or live ammunition. Ammunition has not been impacted by the budget reductions. It is very important that that is repeated and reinforced, because it appears that senators on the other side just do not understand when you tell them that the Army has advised that there is no shortage of blank or live ammunition.

Another issue which Senator Stephens went to in her contribution was the Army's rising sun badge. She was talking about the wearing of the badge on the downturned brim of the general duty grade-2 slouch hat, which may be viewed as disrespectful. I understand the rising sun badge will remain proudly worn on the upturned brim of the ceremonial grade-1 slouch hat in plain view for all to see and reflect on when ceremonial duties are being performed. The rising sun badge is the proud symbol of the Australian Army and has become an integral part of the digger tradition. I understand that this is—

(Time expired)

Senator FAWCETT (South Australia) (15:22): Many in our community, particularly the defence community, the defence industry community and those who are concerned about our national security, cannot wait until this government's time has expired. We have just had Senator Brown tell us that there are no conditions of service that will be impacted. Tell that to the single servicemen, 21 years and older, who have just lost their entitlement to a free trip home to see their loved ones. This Labor government have probably about seven
sitting days remaining before the disallowance motion tabled by the opposition will take effect. They have that long to stand up and nail their colours to the mast and say whether they will actually take away that entitlement of a serviceman as part of the budget cuts or, indeed, whether they will live up to the rhetoric that we have just heard again about how much Labor values our defence men and women.

In terms of defence cuts and their impact on training, under the Hawke government when I was still serving, when they started limiting track miles and flying hours and mothballing equipment, we did have to do exercises and rather than use blank ammunition say 'bang bang'. As I look at this current government under Prime Minister Gillard, who has limited track miles, has mothballed equipment and has reduced flying hours, it comes as no surprise to hear that, despite what may be reported through the echelons in Senate estimates, the reality on the ground for people is that those kinds of cuts may be in place.

We have heard much about the fact that current operations are not effective. But we also know that, despite those claims and despite the comments about not really touching the reserves, we are hearing day to day, week in and week out and as we would go and talk with reservists that their training days are being cut. When I go to welcome home parades and when I speak to people who are in the reserves, that is what is occurring. That affects current operations because our reserves are integrally engaged with the regular forces. Whether you are talking about the Air Force, the Navy or the Army, the reserves not only deploy with regular forces at times but particularly they backfill a lot of skills. I spoke just last night about the 300-odd reservists who have been called up to work in DMO because their skill sets are required in the technical area. People who are operations officers working with the Air Force are being used in backfilling. There are communications specialists, medical officers, dentists and lawyers. All of these people support our operations, so it is a complete fallacy for this government to say that the cuts are not affecting defence.

We heard in estimates about things like the self-propelled artillery and we can see how this government just do not get it. They are saying that was the decision by Army to cancel the self-propelled artillery. The Army admitted that this is a less capable piece of equipment that they are now going to have to buy with more field guns. It is going to offer less protection to the troops and, perversely, because it takes more people to operate it, over its life it is actually going to cost the taxpayer more. The government says, 'Well, that is what Army advised us,' but, when pressed, what did Army say? They said that they would not have done it except for the government's budget cuts. So, yes, they advised the government on that course of action, but only because the government cut the budget. The budget expenditure as a percentage of GDP is now at pre-World War II levels—1938—and if you are any kind of a student of history you will know how poorly prepared Australia was for the Second World War.

The US Defense Secretary, Leon Panetta, has said of the US as they scale back with budget cuts that the most important thing they must do is not hollow out the force. It is not just the opposition saying that about the Australian situation; there are a number of commentators who have had long careers in defence, people who have been commentators working in the national security space. ASPI just today has come out with an article saying that a number of commentators have expressed 'dismay with the government's recent handling of defence'. It is not just that defence funding has been
reduced substantially over the next few years; most observers conclude, probably rightly, that 'the government's long-term commitment to strengthen Australia's defence has evaporated'. The commitment has evaporated and the commitment to strengthen our defence means that their commitment to our national security has evaporated.

ASPI goes on to say that it is more to do with the 'way that defence is run', and I have certainly got much more to say in this place in the light of the defence procurement inquiry and looking at the impact of government initiatives—things like the Strategic Reform Program, where again cost-saving measures are being driven that are bringing about decisions like the self-propelled artillery decision, which is not in our national interest.

(Time expired)

The DEPUTY PRESIDENT: Order!

The time for debate has expired.

Question agreed to.

NOTICES

Presentation

Senator Crossin to move:

That the Legal and Constitutional Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 21 August 2012, from 4.30 pm, to take evidence for the committee's inquiry into the provisions of the Privacy Amendment (Enhancing Privacy Protection) Bill 2012.

Senator Siewert to move:

That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 August 2012, from 4 pm.

Senators Ludlam and Whish-Wilson to move:

That the Senate—

(a) notes:

(i) negotiation of the Trans-Pacific Partnership Agreement (TPPA) between the United States of America, Canada, Mexico, Chile, Peru, Vietnam, Malaysia, Singapore, Australia, Brunei and New Zealand is being conducted in secret,

(ii) draft texts of the agreement are selectively aired to AT&T, Verizon, Cisco, the Motion Picture Association and other industry lobbyists, but blocked from democratically-elected parliamentarians, advocacy organisations and citizens,

(iii) concern expressed by experts and citizens from countries participating in negotiating the TPPA regarding its potential impact on access to medicines, local content media rules, high-tech innovation and limitations placed on governments to make policies and regulations on health, safety and economic stability, and

(iv) reports of the latest text of the intellectual property chapter being leaked, revealing the Australian Government's intention to defeat a proposed clause protecting domestic intellectual property laws; and

(b) calls on the Government to:

(i) make the full TPPA draft texts and negotiations available to the public,

(ii) support the proposal of New Zealand, Chile, Malaysia, Brunei and Vietnam to permit a signatory to carry forward and appropriately extend into the digital environment limitations and exceptions in its domestic laws,

(iii) reject trade agreements that put the civil liberties, environment, public health and welfare of Australians at risk, and

(iv) commit to ending the exclusionary and undemocratic process of selectively including stakeholders in trade negotiations while blocking others, by making all trade negotiations public.

Senators Boyce, Colbeck, Macdonald and Boswell to move:

That the Senate—

(a) notes that:

(i) the Gillard Government proposes to seriously damage Australia's fishing industry and harm Australia's tourism industry by establishing
the world's largest marine reserve without any scientific foundation,

(ii) the Gillard Government proposes to make the Coral Sea a no-go zone to Australians, but other countries, whose fishing practices are not as sustainable as Australia's, will still be able to fish in the Coral Sea,

(iii) Australians will be deprived of a vital food source from the Coral Sea, which covers more than 989,842 square kilometres, more than half the size of Queensland,

(iv) almost 78 per cent of east coast Queensland waters will be in marine parks, almost 8 times the international benchmark,

(v) Australia's oceans are amongst the healthiest and best managed in the world due in large part to the sustainable practices of our fishers,

(vi) scientists have agreed that fishing is not putting the Coral Sea at risk and that Green groups have also acknowledged this, and

(vii) the proposed network has nothing to do with science but everything to do with appeasing the Australian Greens politically, who keep the Labor Government in power; and

(b) calls on the Australian Government to:

(i) halt the current process of expanding marine parks to ensure that any future marine parks are based on objective scientific research and stakeholder input, and

(ii) undertake a risk assessment of the threats to Australia's marine environment from existing and future uses to assess the need for the proposed marine parks.

Senator Whish-Wilson to move:

That the Senate—

(a) notes, in regard to the introduction of the factory ship FV Margiris to the Australian Small Pelagic Fishery, the range of significant and justifiable concerns, including but not limited to:

(i) the localised depletion of fish stocks,

(ii) mammalian by-catch, including seals and dolphins,

(iii) impacts on other industries, including tourism,

(iv) the assertion that this super trawler is only economically viable because it previously received European Union subsidies and the Australian Fisheries Management Authority (AFMA) has lifted the fishery quotas,

(v) public access, transparency and scrutiny of any operational compliance data, and

(vi) the non-compliance of AFMA quota-setting processes with the Fisheries Administration Act 1991 (the Act); and

(b) calls on the Government to:

(i) reverse the decision to lift the quota for the Small Pelagic Fishery and examine the compliance of the AFMA-led process that led to this decision with the Act,

(ii) demonstrate that it has fully examined and mitigated the impacts of localised depletion that the FV Margiris will have and ensure that a bioregional approach has been taken in setting the harvest strategy under which this ship would operate, and

(iii) demonstrate that 100 per cent observer coverage will be achieved on-board to ensure compliance and minimal by-catch, given that the ship will operate 24 hours a day, and ensure all compliance data will be publically available.

Senators Ronaldson and Johnston to move:

That the Senate—

(a) commemorates the 50th anniversary, in 2012, of the arrival of the Australian Army Training Team Vietnam in South Vietnam, beginning Australia's decade-long commitment to the Vietnam War;

(b) commemorates the 46th anniversary, on 18 August 2012, of the Battle of Long Tan, in which 18 Australian soldiers were killed and 24 were wounded in action;

(c) pays tribute to the 521 Australians killed in action in the Vietnam War and the thousands of veterans who returned home to the care of their families;

(d) acknowledges that many Vietnam War service personnel were very poorly treated by certain sections of the Australian community on their return, and that this treatment was unjust
and, in many cases, affected their ability to resume life after wartime service; and

(e) welcomes the arrival in Australia of the Long Tan Cross, which will be displayed at the Australian War Memorial until April 2013.

Senator Xenophon to move:

That the following bill be introduced: A Bill for an Act to amend the Fair Work Act 2009, and for related purposes.

Senator Waters to move:

That there be laid on the table, by the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, no later than 11 September 2012, the following:

(a) documents relating to all current conditions for the operation, use, maintenance and monitoring of each current sea dumping permit issued by the Authority in the Great Barrier Reef Marine Park (GBRMP);

(b) any document that details all current sea dumping sites in the GBRMP and Great Barrier Reef World Heritage Area, including coordinates and size of the dumping area;

(c) all documents relating to the consideration or analysis of land-based disposal alternatives for each current sea dumping permit issued by the Authority in the GBRMP, including the initial consideration/analysis plus any subsequent analysis in light of additional or changed dumping requirements or new or changed information;

(d) all documents that provide a long-term analysis of the impacts of the dumping, including direct, indirect, distal and cumulative impacts for each current sea dumping permit issued by the Authority in the GBRMP; and

(e) any documents relating to breaches of conditions and responses to those breaches, including compliance measures, such as remediation, changed conditions, fines or litigation, for each current sea dumping permit issued by the Authority in the GBRMP.

Senator Mason to move:

That the Senate—

(a) notes the 4th anniversary of the death of Alexander Solzhenitsyn, the most influential Russian writer and dissident of the 20th century, who:

(i) was imprisoned, denied medical treatment and finally exiled from the Soviet Union for daring to expose the truth about the horrors of communism,

(ii) struggling against great obstacles managed to write and eventually publish The Gulag Archipelago, a classic of anti-totalitarian literature that drew the world's attention to the atrocities committed by the Soviet Union against its own people,

(iii) after his deportation from the Soviet Union in 1974, continued to remind the world about the importance of rights and liberties enjoyed in the West but denied to the citizens of the Soviet Union and other communist states, and

(iv) received the Nobel Prize in Literature in 1970, as well as numerous other prizes and awards for his contribution to literature, and the fight for freedom and against tyranny and oppression; and

(b) conveys its remembrances to the people of Russia.

BUSINESS
Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:28): by leave—I move:

That consideration of government business continue from 6.50 pm till 7.20 pm today.

Question agreed to.

NOTICES
Postponement

The following items of business were postponed:

General business notice of motion no. 438 standing in the name of Senator Siewert for today, relating to the North West Slope Trawl Fishery, postponed till 22 August 2012.
General business notice of motion no. 442 standing in the name of Senator Siewert for today, proposing the introduction of the Fisheries Management Amendment (North West Slope Fishery Partial Closure) Bill 2011, postponed till 22 August 2012.

General business notice of motion no. 829 standing in the name of Senator Rhiannon for today, relating to family planning, postponed till 16 August 2012.

**BUSINESS**

**Rearrangement**

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:28): by leave—I move:

That, on Thursday, 16 August 2012:

(a) the hours of meetings shall be 9.30 am to adjournment;

(b) consideration of general business private senators' bills under temporary order 57(1)(d)(ia) shall not be proceeded with;

(c) the routine of business from 9.30 am for 2 hours and 20 minutes, from 12.45 pm to 2 pm, and from not later than 4.30 pm shall be government business only and that the order of the day relating to the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012 shall be considered;

(d) consideration of non-controversial government business under temporary order 57(1)(d)(via) shall not be proceeded with;

(e) any proposal pursuant to standing order 75 shall not be proceeded with;

(f) consideration of general business and government documents under standing orders 57(1)(d)(x), (xi) and committee reports and government responses under 57(1)(d)(xii) shall not be proceeded with;

(g) divisions may take place after 4.30 pm; and

(h) the question for the adjournment of the Senate shall not be proposed until a motion for the adjournment is moved by a minister.

I move the motion, as circulated, that allows for the debate on the Migration Legislation Amendment (Regional Processing and Other Measures) Bill for tomorrow. Without preempting the vote of the Senate, I believe that the majority of senators want this bill dealt with tomorrow. It is widely recognised by the parliament and by the public that this bill is a critical element to resolving the issue of asylum seekers who come to Australia by boat. It is legislation that must be passed as soon as possible.

This is not the time to canvass the substantive matters raised in the bill, but it is the time to pass the motion that will allow us to fully debate the legislation—hopefully commencing this evening but throughout the course of tomorrow. I commend the motion to the chamber.

Senator MILNE (Tasmania—Leader of the Australian Greens) (15:29): I rise to oppose the motion. The Greens are not part of the push to rush this legislation through the parliament quickly, which is clearly what the government and the coalition are intent on doing. The display we had in question time today was the Minister representing the Prime Minister being unable to answer straightforward questions, namely: does this mean indefinite detention? Does the government mean 10 years for people to be in a detention centre on Nauru? The Minister representing the Prime Minister refused to answer those questions.

There are so many questions associated with the proposed legislation that have not been answered, and it is unlikely that they are going to be answered in the time frame. We are dealing with people's lives here. This is a very serious matter. In fact, it is an insult to those people who have risked their lives and who are actually seeking asylum to think that this parliament would just race a piece of legislation through here without clarity for
anyone as to what it actually means for those people or, indeed, what it actually means in relation to our own migration law and what conditions might apply in terms of human rights to the people who are involved.

The Greens do not support this race and rushing. It is an obscene rushing through the parliament of a political fix which will have enormous ramifications for the lives of many thousands of people. I do not think that that is an appropriate way for a parliament to behave—certainly not, if this parliament races this through without the answers to questions even as straightforward as those my colleague asked: does this mean indefinite detention for 10 years? What does it mean? What does it mean for children? We know that the minister is repudiating his responsibilities as guardian for unaccompanied children. What does that mean for orphaned children coming here as refugees? Where are they going to go? Where are they going to be locked up? For how long? What does this advantage/disadvantage actually mean? And why is it not cruel to do that?

We do not support this. The answers are not on the table. The Houston panel, in their briefing to the Greens, indicated that there would be substantial opportunities for disallowance and they indicated that there would be substantial opportunities for framing the conditions in those determinations, and yet clearly none of that is on the table. I do not think that even the Houston panel will be happy with the way that the government is just racing this through and saying, 'Let's just do it. Let's just get people to Nauru by the end of the week. Let's get them to Manus Island. Let's send people in tents—for goodness sake—'Let's dispatch the defence forces.' We have heard people talking today about the cuts to defence and yet it seems we have millions to spend to send the defence forces and tents to Nauru and to Manus Island. Those facilities are very battered and not in good condition, yet it seems that we do not care. We can just send people there in tents. The defence forces are saying, 'We don't have the capability to act as police'—if you like—'and guard these refugees.' As if these people have not been punished enough already.

So we do not support an obscene rushing of this legislation through the parliament. I think the parliament will live to regret it. We will find in months hence bits and pieces of amendments coming back to try to fix up mistakes. But it will be at the expense of people's lives, if not their quality of life. What we are also going to find is that it is going to land us with huge costs in compensation in the longer term as people are treated very badly in this chaotic rush just to send them out of sight and out of mind into indefinite detention. That is a very bad way for a parliament to proceed. That is why we do not support this obscene suspension and this obscene changing of the hours to force through a piece of legislation. I do not believe the Manager of Government Business in the Senate can actually give me an answer to the question about whether people will be detained 'indefinitely' or for 10 years. Nor will she be able to tomorrow, and yet we are going to be in a situation where we will have both the coalition and Labor passing legislation without being able to answer basic questions about what this actually means for people's lives.

I would also note that in normal arrangements when parties talk about how they might change the hours there is negotiation across all parties. I note with interest that this did not happen on this occasion. I think that is also symptomatic of a rather dirty deal that has been stitched up to race this through the parliament to the detriment of people's lives. That is why we are opposing it.
Senator FIFIELD (Victoria—Manager of Opposition Business in the Senate) (15:35): I just wonder where the Australian Greens were during the carbon tax debate? I think I can recall them supporting time management motions. I think I can recall them supporting gag motions.

I point out that despite the Greens' protestations this motion actually does neither of those things. What this motion does is provide for additional time, soon, for the consideration of this legislation. The opposition is prepared to support this motion to give up its own private senators' business time tomorrow morning, the opposition is prepared to give up its own general business time tomorrow afternoon and the opposition is prepared to give up consideration of government documents. That is not seeking to curtail debate. What that is doing is seeking to facilitate debate. If you look at the ordinary business hours for tomorrow, there will be something of the order of seven hours for consideration. There is no guillotine at the end of the day. The debate will go as long as the debate goes. So I think that the sorts of arguments that the Greens are putting up would actually have been better made on some of the motions that they and the government together supported in relation to curtailing debate on the carbon tax.

As I have indicated, we are supporting this motion. We think that these bills should be debated sooner rather than later because four years ago the effective border protection regime of the Howard government was dismantled by the Australian Labor Party. We predicted at that time that nothing good would come of it and that it would only provide a product for people smugglers to sell, and they have done that.

The government have belatedly seen the error of their ways, so we do not want to unnecessarily delay or curtail debate on this legislation. We think it should be debated quickly. Let the debate go where it may, but we are very keen to see this legislation passed this week because this legislation directly affects people's lives. We do not want to see people put in harm's way for any longer than necessary, so we will be supporting this motion to facilitate debate and to provide the opportunity for debate. But, as I say, we will not ourselves be seeking to unnecessarily delay this legislation. Colleagues will have contributions to make, but we do want to see this legislation passed this week.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (15:38): As I indicated in moving the motion, this is a procedural motion that seeks, as Senator Fifield has highlighted, to allow for debate quickly. It does not seek to curtail debate and, as Senator Evans indicated in question time, detailed opportunity will be provided for Senator Milne and other members of the Greens to ask the types of questions that were raised in question time today. Senator Evans did not seek to avoid questions but rather highlighted the fact that we would be seeking to move quickly to a detailed discussion of the bill, hopefully later today and, indeed, throughout the course of tomorrow. I should highlight again that we are dealing with a procedural motion, not seeking to debate the substance of the matter. Senator Milne will have that opportunity and, indeed, the opportunity also to deal with matters of what remains disallowable with respect to this bill when the bill is before us.

The DEPUTY PRESIDENT: The question is that the motion moved by Senator Collins be agreed to.
The Senate divided. [15:43]
(The Deputy President—Senator Parry)

Ayes.................33
Noes.................9
Majority............24

AYES
Back, CJ
Bilyk, CL
Birmingham, SJ
Bishop, TM
Cameron, DN
Colbeck, R
Collins, JMA
Cormann, M
Faulkner, J
Feeney, D
Fifield, MP
Furner, ML
Gallacher, AM
Johnston, D
Kroger, H
Ludwig, JW
Lundy, KA
Madigan, JJ
Marshall, GM
McEwen, A (teller)
McKenzie, B
McLucas, J
Moore, CM
Parry, S
Polley, H
Pratt, LC
Singh, LM
Smith, D
Stephens, U
Thistlethwaite, M
Thorp, LE
Urquhart, AE
Xenophon, N

NOES
Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Rhiannon, L
Siewert, R (teller)
Waters, LJ
Whish-Wilson, PS
Wright, PL

Question agreed to.

MOTIONS
London Olympic Games

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (15:46): I move:

That following the 30th Olympiad the Senate congratulates our Olympians on their performances in London 2012.

Question agreed to.

COMMITTEES
Community Affairs Legislation Committee
Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): I move:

That the Community Affairs Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm.

Question agreed to.

Community Affairs Legislation Committee
Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): I move:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 5 pm, to take evidence for the committee's inquiry into the Low Aromatic Fuel Bill 2012.

Question agreed to.

Environment and Communications Legislation Committee
Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): I move:

That the Environment and Communications Legislation Committee and the Environment and Communications References Committee be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 16 August 2012, from 1 pm.

Question agreed to.
Electoral Matters Committee
Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (15:46): I move:
That the Joint Standing Committee on Electoral Matters be authorised to hold a public meeting during the sitting of the Senate on Wednesday, 22 August 2012, from 9.30 am to 11 am, to take evidence for the committee's inquiry into the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012.
Question agreed to.

Community Affairs References Committee
Meeting
Senator SIEWERT (Western Australia—Australian Greens Whip) (15:47): I move:
That the Community Affairs References Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Tuesday, 21 August 2012, from 12.30 pm.
Question agreed to.

Rural and Regional Affairs and Transport References Committee
Meeting
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:47): I move:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 16 August 2012, from 4.30 pm, to take evidence for the committee's inquiry into the examination of the Foreign Investment Review Board national interest test.
Question agreed to.

Australian Commission for Law Enforcement Integrity Committee
Meeting
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:47): I move:
That the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate, from 11 am, as follows:
(a) on Thursday, 16 August 2012; and
(b) on Thursday, 13 September 2012.
Question agreed to.

MOTIONS
Homelessness
Senator Wright (South Australia) (15:48): I, and also on behalf of Senator Ludlam, move:
That the Senate—
(a) notes that:
(i) the week 6 August to 12 August 2012 was national Homeless Persons' Week, and
(ii) on any given night in Australia, approximately 105,000 people are experiencing homelessness;
(b) recognises that:
(i) mental illness is both a cause and consequence of homelessness, and
(ii) the Australian Council of Social Service's Community Sector Survey 2012 recently highlighted that the availability of secure and affordable housing, and care and treatment...
for mental illness, are the greatest areas of need for people experiencing poverty and disadvantage in Australia; and

(c) calls on the Government to consider and respond to underfunding, funding uncertainty and unmet need in the homelessness and mental health sectors.


The ACTING DEPUTY PRESIDENT (Senator Parry): Leave is granted for one minute.

Senator JACINTA COLLINS: The Gillard government know that there are too many Australians who are homeless. This is the Labor government that made reducing homelessness a national priority through our inaugural white paper on homelessness, which makes it clear we want to halve overall homelessness and by 2020 provide supported accommodation to all rough sleepers who seek it. To back our commitment, the government have invested an unprecedented $5 billion into supporting homeless people and services through programs since 2008. The government have been working with states and territories, business, charities and the community to reduce homelessness in Australia through our $1.1 billion national partnership agreement on homelessness, which is delivering 180 new, expanded homelessness services. The Labor government have also invested a record $2.2 billion in a mental health reform package. Since being elected the government have invested a record $20 billion in making housing more affordable.

Senator WRIGHT (South Australia) (15:49): I seek leave to make a short statement.

The ACTING DEPUTY PRESIDENT (Senator Parry): Leave is granted for one minute.

Senator WRIGHT: I note that last week, from 6 to 12 August 2012, it was National Homeless Persons Week and on any given night in Australia approximately 105,000 people are experiencing homelessness. We know that mental illness is both a cause and a consequence of homelessness, and the Australian Council of Social Service Australian Community Sector Survey 2012 recently highlighted the availability of secure and affordable housing, care and treatment for mental illness as being the greatest areas of need for people experiencing poverty and disadvantage in Australia. Notwithstanding the minister's comments, we are calling on the government to consider and respond to the underfunding, the funding uncertainty and the unmet need in the homelessness and mental health sectors which were identified in that survey and have continually been identified to a further extent to deal with this debilitating problem that faces so many people in Australia today.

Question agreed to.

NOTICES
Withdrawal
Senator LUDLAM (Western Australia) (15:51): Pursuant to notice given at the last day of sitting on behalf of the Regulations and Ordinances Committee, I now withdraw business of the Senate notice of motion No. 673 standing in my name for the next day of sitting.

MOTIONS
Forestry
Senator RHIANNON (New South Wales) (15:51): I move:

That the Senate—

(a) notes that:
(i) Westpac's environmental credentials have assisted it to promote the bank's business,

(ii) Westpac was the first Australian bank to adopt the Equator Principles, agreeing not to fund projects that endanger communities or the environment, and is a signatory to the United Nations Environment Programme Finance Initiative,

(iii) the Solomon Islands is listed as having the highest percentage loss of rainforest in the Pacific,

(iv) logging in the Solomon Islands is unsustainable and has led to significant pressure on the natural environment, friction within local communities, threats to food security and breaches of human rights, including the sexual exploitation of women and children,

(v) recent investigations show Westpac has provided loans to companies in the Solomon Islands which have been involved in illegal tree-felling, hiring of illegal workers and alleged non-payment of compensation for illegal logging,

(vi) Westpac claims it has reduced lending to the forestry industry to 9 per cent of its loan book in the Solomon Islands and is taking on no new business in the Solomon Islands, yet it has recently gone guarantor for a new project to log pristine rainforest on Vella Lavella,

(vii) the Australian Greens have written to the Banksia Environmental Foundation asking it to consider withdrawing past awards to Westpac because of this involvement, and

(viii) Westpac has refused to investigate the loans it has made to those involved in illegal logging or to withdraw immediately from financing logging operations in the Solomon Islands;

(b) calls on the Government to:

(i) approach the Banksia Environmental Foundation, which administers the Prime Minister's Environmentalist of the Year awards with Government funding, to ask the foundation to review and consider withdrawing Westpac's past awards,

(ii) initiate talks with Westpac seeking a commitment to immediately end links with forestry in the Solomon Islands and contribute to forest restoration, and

(iii) conduct an investigation into the collapse of the forestry industry due to illegal practices which will impact on the whole Solomon Islands' economy and bring hardship to local people, if Westpac does not in the short-term withdraw from financing logging operations.

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

The Senate divided. [15:56]

(The Deputy President—Senator Parry)

Ayes ...................... 11
Noes ...................... 36
Majority ............... 25

AYES
Di Natale, R
Ludlam, S
Milne, C
Siewert, R (teller)
Whish-Wilson, PS
Xenophon, N

NOES
Back, CJ
Bilyk, CL
Bishop, TM
Bushby, DC
Collins, JMA
Faulkner, J
Fifield, MP
Gallacher, AM
Kroger, H (teller)
Lundy, KA
McEwen, A
McLucas, J
Nash, F
Polley, H
Singh, LM
Stephens, U
Thistlethwaite, M
Urquhart, AE

Hanson-Young, SC
Madigan, JJ
Rhiannon, L
Waters, LJ
Wright, PL
Bernardi, C
Birmingham, SJ
Brown, CL
Colbeck, R
Cormann, M
Feeney, D
Furner, ML
Humphries, G
Ludwig, JW
Marshall, GM
McKenzie, B
Moore, CM
Parry, S
Pratt, LC
Smith, D
Sterle, G
Thorp, LE
Williams, JR

Question negatived.
Surveillance

Senator LUDLAM (Western Australia) (15:59): I move:

That the Senate—

(a) notes—

(i) reports of a surveillance system known as TrapWire operating in the United Kingdom, Canada and cities in the United States of America, including Washington DC, Las Vegas, New York and Los Angeles, and

(ii) TrapWire's features are reputed to include the ability to centralise and aggregate data from public surveillance cameras and share threat information across networks; and

(b) calls on the Government to confirm:

(i) whether the TrapWire system is deployed anywhere in Australia,

(ii) if Australian law enforcement and intelligence agencies have access to, or have in the past used, information provided by foreign law enforcement and intelligence agencies using the TrapWire system, and

(iii) if the Government or its law enforcement and intelligence agencies have held discussions about acquiring the TrapWire system for use by government entities here.

Question negatived.

Senator LUDLAM (Western Australia) (15:59): I seek leave to make a very brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: Senators might wish to refer to the Notice Paper to ascertain what it was you just voted no to. I am seeking the minister's guidance on exactly why the government has opposed this motion, because it simply asks—yes or no—whether these systems are deployed anywhere in Australia. It does not make any accusations. We do not even have a clear idea of exactly what this pattern recognition surveillance network does. But I am seeking to ascertain whether or not it is used by any Commonwealth agency. I would invite the minister, if she would care to inform the Senate, so we do not have to use other mechanisms—although, of course, we will if we have to—as to exactly why the government is voting against a fairly straightforward motion that notes that the system exists, that it is deployed overseas to attract people as a private surveillance network and to inform the chamber whether or not it is used here in Australia. I would have thought that was a fairly straightforward request.

The DEPUTY PRESIDENT: I called the motion in the negative. There was no division called for—I gather that is correct. You did get to your feet, Senator Ludlam. A division was not required.

Senator LUDLAM: It was required, Mr Deputy President.

The DEPUTY PRESIDENT: I put the question and you jumped to your feet straightaway after I declared it had been lost. You did not call for a division at the time, Senator Ludlam, so I will rule that a division was not required at the time.

Senator LUDLAM: If I have missed the opportunity for a division, I ask that the record note the Australian Greens' support for the motion and our sense of bafflement at the government's opposition.

The DEPUTY PRESIDENT: It is so noted.

Minerals Resource Rent Tax

Senator CORMANN (Western Australia) (16:01): I move:

(1) That the Senate notes that:

(a) on 18 March 2012, the Prime Minister promised former Senator Bob Brown, then Leader of the Australian Greens, that the Government would publish monthly updates on revenue collections from the Minerals Resource Rent Tax (MRRT); and

CHAMBER
(b) the MRRT legislation came into effect on 1 July 2012.

(2) That there be laid on the table by the Minister representing the Treasurer, no later than noon on the 20th day of every month, information relating to the MRRT revenue collected by the Government in the preceding calendar month, broken down by state or territory of collection and by commodity type.

(3) If the Senate is not sitting when a statement is ready for presentation, the statement is to be presented to the President in accordance with standing order 166.

(4) This order is of continuing effect.

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (16:01): I seek leave to make a brief statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: I would like to reiterate the commitment that the government has previously made on this issue that we will commit to publishing monthly updates on revenue collections for resource rent taxes and will be consulting the Australian Taxation Office on the best way that this can be achieved.

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

The Senate divided. [16:06]

(The President—Senator Hogg)

Ayes....................30
Noes....................33
Majority..............3

AYES

Back, CJ
Birmingham, SJ
Brandis, GH
Cash, MC
Cormann, M
Eggleston, A
Fawcett, DJ
Ferravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JB
Nash, F
Payne, MA
Ryan, SM
Williams, JR

AYES

Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
McKenzie, B
Parry, S
Ronaldson, M
Smith, D
Xenophon, N

NOES

Bishop, TM
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Sterle, G
Thorpe, LJ
Waters, LJ
Wright, PL

NOES

Brown, CL
Conroy, SM
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Stephens, U
Thistlethwaite, M
Urquhart, AE
Whish-Wilson, PS

PAIRS

Abetz, E
Boyce, SK
Mason, B
Scullion, NG
Sinodinos, A
Carr, RJ
Evans, C
Crossin, P
Cameron, DN
Bilyk, CL

Question negatived.

Senator Wong did not vote, to compensate for the vacancy caused by the resignation of Senator Fisher.

Senator CORMANN (Western Australia) (16:08): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator CORMANN: Thank you. The Greens have again let the government off the
hook and helped them to avoid parliamentary scrutiny of their mining tax revenue estimates. It is important to note here that the government has been persistently avoiding scrutiny of their mining tax revenue estimates for the last two years. There is serious doubt that the mining tax will raise the revenue they said it would raise.

After Senator Brown said the Senate should 'flex its muscle' earlier this year, they rolled over in exchange for a promise of monthly updates from the Prime Minister. Those monthly updates cannot happen. The Prime Minister made a promise to the Greens in order to get their support for passage of the mining tax legislation that she cannot deliver on; the mining tax instalments are paid on a quarterly basis so there will not be any monthly updates. The Greens, having rolled over in March when they refused to insist on Senate orders enforcing the release of mining tax revenue— (Time expired)

Senator MILNE (Tasmania—Leader of the Australian Greens) (16:09): I seek leave to make a short statement.

The DEPUTY PRESIDENT: Leave is granted for one minute.

Senator MILNE: Thank you. Senator Cormann has got that completely wrong. If he had listened a moment ago, he would know that the undertaking was that Treasury will make the material available publicly and the government will talk to Treasury about how best to do that. The assumption there is that it will go up on a website. Either way, Treasury will be making that material available and the government made that undertaking before the vote. As I indicated, the undertaking from the government was that Treasury will make that material publicly available, and that will occur.

**World War II**

Senator McEWEN (South Australia—Government Whip in the Senate) (16:10): I move:

That the Senate—

(a) notes that in 2012 Australia is commemorating the 70th anniversary of the War in the Pacific and acknowledging the contribution of our service personnel to the defence of Australia during that period of World War II at events and memorial services in Australia and elsewhere in the Pacific region;

(b) notes that:

(i) the 2/27th Battalion AIF was formed at Woodside in South Australia in May 1940 and disbanded in March 1946,

(ii) the 2/27th Battalion AIF fought in all the major World War II campaigns in which Australia was engaged and was awarded honours for the following battles: North Africa, Syria, The Litani, Sidon, Adloun, Damour, South West Pacific, Kokoda Track, Efogi-Menari, Buna-Gona, Gona, Ramu Valley, Shaggy Ridge, Balikpapan and Borneo,

(iii) during the campaign in New Guinea in 1942 the Battalion suffered heavy casualties during the battle at Brigade Hill on 8 September and at Gona in November and December, and

(iv) the Battalion continued fighting in New Guinea and was serving in Balikpapan, Borneo, when the war ended in August 1945;

(c) acknowledges the invaluable contribution of the 2/27th Battalion AIF throughout World War II;

(d) expresses its appreciation to the surviving members of the 2/27th Battalion AIF who served with courage and distinction in the Pacific War and other campaigns in World War II; and

(e) thanks all those who served in Australia’s defence forces during World War II.

Question agreed to.
MATTERS OF PUBLIC IMPORTANCE

Asylum Seekers

The DEPUTY PRESIDENT (16:11): A letter has been received from Senator Fifield:

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

The Gillard Government's acceptance of the Coalition's policy of offshore processing of asylum seekers on Nauru and Manus Island and the continuing need for the Government to implement the full suite of the Coalition's successful policies.

Is the proposal supported?

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

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

Senator BACK (Western Australia—Deputy Opposition Whip in the Senate) (16:11): This particular acceptance represents for the government, and for the now Prime Minister Ms Gillard, a most disappointing reversal and embarrassment. But it is all the fault of one person—that is, the Prime Minister herself.

It was as shadow minister that Ms Gillard came up with the now infamous statement, 'Another boat, another policy failure.' Very rarely did she or her staff ever have to trouble the press gallery with that particular statement. More importantly, it was during the period in which the Hon. Philip Ruddock was the minister that he invited and subsequently took then shadow minister Ms Gillard to Nauru, where she had every opportunity to observe for herself the success of the program instituted by the coalition in response to a need. The coalition then, as the coalition now, had and has a plan to stop the boats.

Worse than that, then Deputy Prime Minister Gillard was part of a group that dismantled a policy that was working. There is nothing worse in the Australian democratic system than to have ideology replace good policy; it inevitably comes back to bite you, and it has on this occasion. Since I began working in this chamber, early in 2009, this side of the chamber has suffered the scorn, disdain and ridicule of what was a successful coalition policy by the now government. They have to eat humble pie, because they were the makers of that pie and they were the bakers of that pie.

When she became the Prime Minister of this country, it was Ms Gillard who said that one of her key priorities was to fix up border protection. We know that she has not. She has lost control of our borders; a fundamental priority for the Prime Minister of any country. Six weeks ago, she outsourced—fortunately to an eminent group of three consultants—the job of advising her, because her own ministers could not and she did not accept the advice of the coalition. This is advice that we have been so often willing to provide to the government. I believe our leader, Mr Abbott, has suggested on more than 100 occasions the very solution that now is being proposed for this place. As our then coalition Prime Minister Mr Howard said, 'We will decide who comes to this country.'

We have not yet got the full restoration of the policy that worked for Australia and worked for genuine refugees. That is a three-plank policy. The first plank is the use of Nauru and Manus Island, which of course now the government, embarrassedly, has had to come back to ask us to accept, and I
believe it is the intention that the coalition will. The second and third are temporary protection visas and a policy to turn the boats back when it is safe to do so. These form the three planks of the policy. In the absence of the second two we cannot be confident that we are actually going to see a successful outcome.

Air Vice Marshal Houston and his team have indicated that they agree with the concept of turning the boats back when it is prudent to do so. The Sri Lankan government has even pleaded with this government to do the same thing. We would say the same. We know that naval personnel support that particular element.

What has happened as a result of five years of the failure of this government to continue a policy of the coalition which worked? The first, of course, has been the regrettable death of at least 600 people drowned at sea that we know about. Of course, there are probably more than that and there may be more than those into the future, particularly as on a daily basis those boats are putting to sea in the middle of winter.

The second has been a massive cost blow-out at a time when the budget can ill afford the blowing out of costs as a result of other profligate spending by this Labor government and its mismanagement. The third is a loss of confidence by the Australian community, and gross embarrassment in the Australian community, in what has become a laughing stock internationally—our border protection policy. And in so doing, of course, making fools of the Australian Navy—it now being said throughout the Asian region that the Australian Navy has become the people-smugglers' taxi service. Who can be proud of that sort of criticism in the region? Yet it is this government that has led to that level of embarrassment.

Lastly but not least is the fact that genuine refugees as a result of this mismanagement of the Labor government have been left to rot in refugee camps around the world at a time when, as we know, they should have been coming into this country under our very, very generous refugee program. Recent surveys point to the concern by Australians that we want to see people come through the right and correct channels. It has been this failure to do so that has caused so much concern. (Time expired)

Senator FURNER (Queensland) (16:17): I rise this afternoon to contribute to this debate as well. I guess the one thing I agree with Senator Back on is the eminence of the group of those who made up the panel to bring about an end to this particular situation that we have had, and we have had it for many years. Even under the coalition there were issues with boat arrivals, so it is not a case of being solely an issue that this government has had to deal with.

When you look at the report there are certain signposts that indicate the problems in dealing with this particular issue. One is the range of disincentives to discourage irregular and dangerous maritime travel to Australia. If we put a stop to that we have done our job as a parliament. I am pleased that the coalition has finally seen through the opportunity to come on board—

Senator Brandis: You've adopted our policy, you clown!

The DEPUTY PRESIDENT: Order, Senator Brandis!

Senator FURNER: rather than being belligerent, like they have been over the last several years, and come to a compromise with us, as we have had to compromise as well.

Senator Brandis interjecting—
Senator FURNER: You do not have your TPVs or your 'turn back the boats' policies, either, Senator Brandis, so do not worry about that. You go on about your three-pillar policy; you should really read the evidence around the issues associated with turning boats back. I will get to that in a minute, because there are major issues in turning boats back. It is not as simple as Abbott picking up the phone—that was the policy of Mr Abbott some years ago: claiming that he could pick up some phone and decide on how a captain of a patrol boat should operate dealing with illegal immigrants. Instead of individuals reaching out for help, the coalition sees desperate asylum seekers as figures, statistics and numbers they can flaunt in the media.

Senator Jacinta Collins interjecting—

Senator FURNER: That is correct, Senator Collins. This is exactly what their policy on turning the boats back is. Turning boats around is unsafe. I note that the member for Cook claimed in his opening address on this that Air Vice Marshal Houston has 'belled the cat'. What a load of nonsense. There is no cat that has been belled in this outcome of our government compromising on a solution to stop asylum seekers boarding dangerous ships and travelling to our shores. There has been a litany of examples provided at Senate estimates. I know Senator Brandis as a conscientious senator appears at many of the Senate estimates, at the Legal and Constitutional Affairs Committee, and raises many issues along with many of the other senators opposite us here. I am sure they have heard the evidence that has been provided by the public servants from many of the departments and also the Chief of Navy of the risks of turning boats back on our seas. I will get to some of those risks in a short while.

In September last year Minister Bowen explained in the Australian three reasons why the coalition's policy of turning around boats was not viable. First of all was that Indonesia did not support it. That has been a position that Indonesia has taken for some time. We have built up a healthy dialogue with that particular country and with that government and we know that if this policy were enforced by the coalition our relationship with Indonesia would be jeopardised to the extent that our relationship would deteriorate. It is only as a result of this government building up that rapport with that country that we have been able to address some of the issues around boat arrivals. We have sent people over there to address particular problems, supplied machinery in maritime assistance and provided education to address some of the issues associated with boats coming to our shores. As for the Indonesians, Brigadier General Agung Sabar Santoso of the national police said:

It will certainly affect relations if (Australia) turns boats away …

He also said:
We don't want them to die at sea. You can imagine that there are children and women as well.

We have experienced those sad situations where there have, unfortunately, been deaths at sea. Here we have the Indonesians concurring with that position—that turning back the boats will not work.

The second major issue, as I mentioned before, is that it is unsafe. We do not want to see people injured and we definitely do not want to see people lose their lives at sea. That also goes for our brave men and women aboard the Armidale class patrol boats. I have personally been on one of those boats, up in Darwin in 2009, and have seen the good work they do. I know, Senator
Humphries, you have done a lot of parliamentary defence programs as well, probably as many as I have—

Senator Humphries: Probably more.

Senator FURNER: and it is a great opportunity to understand what our men and women have concerns about in turning boats back. In fact, Senator Humphries, on that same trip I was on, one of your opposition lower house members asked, quite rightly, whether it would work. The response he got was, 'No, it won't work, because we know from history that it's unsafe.'

The report of the Expert Panel on Asylum Seekers explained some of the issues associated with it when you were in government. There were about 12 interceptions, and eight of those occasions could be termed 'miserable excuses for a success'. On four of those eight occasions, asylum-seeker boats were successfully intercepted and escorted or towed back to international waters, in the direction of Indonesian territorial waters. Although successful, those four operations included the following incidents: on two occasions, Royal Australian Navy personnel had to undertake repairs to the boat engines in order to be able to turn back those boats; and, on the other two occasions, asylum seekers jumped overboard. Is that the situation you want, where our Royal Australian Navy personnel have to repair the engines of boats that have been damaged as a result of these asylum seekers being so desperate to be rescued, to come to our shores, that they then—the second point made in the panel report—jump overboard? Let us not forget the unfortunate situation that occurred in Darwin, where asylum seekers set fire to boats. That is the sort of desperate thing that occurs when you send that message, 'Let's turn the boats back.' It does not work.

On the other four occasions out of the eight interceptions, either the boats became unseaworthy at some point during the interception or turn-back operation, or non-compliant behaviour by the asylum seekers made the attempt unsustainable, and those asylum seekers ended up at Christmas Island anyway. That is the evidence from the past on this policy of turning boats back—your three planks of policy. It just does not work. When are you going to get it? I do not think you will ever get it.

Then you went to temporary protection visas. Let us have a look at what happened. Let us look at the truth and shine a light on what you guys failed to do. You made out that TPVs were this golden way to stop people coming here. Well, they did not stop people coming here. They did not stop the boats; they did not turn them around. The number of women and children getting onto boats actually increased when you introduced TPVs, and the restrictions that these visas imposed on asylum seekers were unjust and hindered their ability to carry out normal lives. In fact, former immigration minister Chris Evans said in 2008:

Under the unjust regime set up by the previous government, unauthorised arrivals who were owed protection under Australia’s international obligations were only eligible for TPVs in the first instance.

It meant that refugees had no travel rights, reduced access to refugee settlement services such as English language programs, employment and income assistance, and could not be reunited with other family members.

Minister Evans also said:

The Temporary Protection visa was one of the worst aspects of the Howard government’s punitive treatment of refugees, many of whom had suffered enormously before fleeing to Australia.
This is clear evidence that the TPV arrangements did nothing to prevent unauthorised boat arrivals. In fact, illegal arrival numbers increased not long after the regime was introduced. Furthermore, if you want to know what happened as a result, as Peter van Onselen said in the *Australian*, the paper that those opposite often rely on, on 26 June 2012:

More than 95 per cent—
that is 95 per cent—
of TPV holders who were irregular maritime arrivals went on to get a permanent visa to live in Australia.

That is also reflected in the Houston report, so you cannot deny that. Once again, you need to study the evidence to make sure what you are saying actually occurred. *(Time expired)*

**Senator HUMPHRIES** (Australian Capital Territory) *(16:27)*: Australians woke up one morning this week to find that their government had had an epiphany. After 10½ years of the ALP telling anyone who would listen, preaching to the Australian people, that the Pacific solution was inhumane and that Nauru and Manus Island were expensive, ineffective tools in deterring people-smuggling, they changed their minds. It will not come as a surprise to anybody here that, over those 10½ years, the Labor Party made those points with very little subtlety.

I have a wealth of examples of the ALP lording it over the then coalition government, and saying with moral superiority, 'You guys have got it wrong; we've got it right.' The then immigration spokesperson for the Labor Party, Julia Gillard, said in May 2004:

Labor will end the so-called Pacific solution—the processing and detaining of asylum seekers on Pacific islands—because it is costly, unsustainable and wrong as a matter of principle.

In 2008, Chris Evans, the immigration minister, said:

The Pacific solution was a cynical, costly and ultimately unsuccessful exercise …

Stephen Smith, the shadow minister for immigration in 2004, said:

The Pacific solution is now a ridiculously expensive farce, and the government should end it immediately.

So that was the language of the Labor Party over those 10½ or 11 years. They were full of self-righteousness. We were lectured; we were hectored by the Labor Party. Labor promised a better way. In May 2002 Senator Lundy said:

Labor is committed to developing a comprehensive and lasting solution …

Madam Acting Deputy President, six—count them—'comprehensive and lasting solutions' later under this government and this week the Australian Labor Party admitted that none of those solutions had actually worked, that none of them had been effective in turning back the boats, and that they are now back to the original solution that they had inherited but which they had dumped in 2008 because they did not like it philosophically. It was wrong as a matter of principle, Ms Gillard told us. But this week they told us—rather ungraciously—that they were wrong, that in effect they had been wrong for the past 10½ years.

Labor have had an epiphany. Of course Australians are used to the Labor Party having epiphanies from time to time. In fact, as a government they have made a career of having epiphanies. But this was one that the Australian people welcomed because rather than taking something away, removing a promise that they had made—'No carbon tax under a government I lead' et cetera—they were finally giving something back to the Australian people. They were giving back to them a solution which actually worked in
preventing the arrival of unauthorised boats on our northern shores. People realised
Labor had thrashed about hopelessly, aimlessly for four years with this
unsustainable succession of policies—six different policies on my count—that saw the
arrival of 386 boats, 22½ thousand people, 2,600 of them in this financial year—that is,
the last six weeks alone! People realised that something had to change and finally, in the
light of overwhelming evidence, it is changing.

But of course those 22½ thousand people who arrived were the lucky ones because the
biggest toll of Labor's chaotic border policy was not the billions of dollars wasted on this
incredibly expensive policy, it was not the embarrassment of Australia having to go cap in
hand to nations around the region saying, 'Please, be our regional partner,' with a
complete lack of success, it was not the total collapse of public confidence in Australia's
humanitarian resettlement program; it was the deaths at sea. At least 500 people, it
could be as many as 1,000 people, have died at sea.

And even while those deaths were occurring literally on television screens in
front of Australians, Labor still were unwilling to grasp the obvious solution sitting there in front of them—the one that
had worked, the one that had stopped the boats, the one that they pretended could not
be applied but today they admit can be. Of course it must have been applied and was
capable of being applied in the past. They could not adopt it because, horror of horrors,
that would have meant saying that John Howard must have been right in applying the
Pacific solution. It was worth letting people die at sea rather than make that terrible,
terrible admission.

Here is the irony: we were told time and again that the Pacific solution was inhumane,
but today we are returning to the Pacific solution because it is the most humane of all of
the solutions that have been attempted in the last decade to prevent people making
unsafe journeys in small, unseaworthy boats across the Timor Sea. It is the most humane
solution, the one least likely to lead to deaths at sea.

Senator Thistlethwaite yesterday suggested that this debate was going to go away now that the government had finally
adopted the obvious Nauru solution, but they have not adopted the full suite of Howard
government solutions and I suspect this issue will not go away because this is not the
complete solution to the boat arrival problem. Until the government accept that
others have a better idea of what to do in this matter than they do, they still have this
monkey well and truly around their neck.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (16:34): My, how times have changed. What is so
different to the days of Malcolm Fraser and Paul Keating? Even during the Howard
years, the then opposition leader Kim Beazley continued that policy of
bipartisanship: the policy of cooperation on
migration that had previously existed
between governments and oppositions for
many, many years. Many in the Labor Party
did not support Kim Beazley's action in
supporting the Howard plan on asylum seekers, but it was supporting a bipartisan
approach.

The successful Fraser government's Indochina refugee program would not have
been possible without the cooperation of
refugee transit countries such as Malaysia.
The same is true today. Not the simplistic, go
it alone approach of the coalition as they
repeat their mantra over and over again:
Nauru, temporary protection visas, turn the
boats back. One-liners derived from focus
groups and dog whistling do not add up to a refugee policy.

Meanwhile, the coalition hang onto their delusion that the Pacific solution stopped the boats under Howard. On the other hand, the Expert Panel on Asylum Seekers was asked to help present a solution after the intransigence of the coalition.

Senator Brandis: Madam Deputy President, I rise on a point of order. Is it not the courtesy of the Senate to refer to members or former Prime Ministers by their proper title—Mr Howard?

Senator Polley: I said the Howard government.

An opposition senator: You said Howard!

The Acting Deputy President (Senator Boyce): It is preferable, Senator Polley, if you do so.

Senator Polley: There was no point of order on that. I know they do not like to hear the realities of having any sorts of policies on that side. Six weeks ago there was absolutely no doubt that the coalition had no intention of, or in fact was capable of, any compromise. The government does not want people to continue to drown at sea. These deaths are completely unacceptable. The government has been and is prepared to compromise to get a solution in place to stop the unnecessary drowning of desperate people.

However, before I explore the intricate plan of the Expert Panel on Asylum Seekers, let us look at what the coalition are proposing. According to the UNHCR:

If we compare the flow of asylum seekers to the OECD countries and to Australia in the years 2000 to 2009 it is quite clear that the flows of asylum seekers in Australia followed very closely those to other OECD countries.

It is clear that the major reason for the fall of asylum seeker numbers in the early period of the Howard government was not its policies but a decline in the number of asylum seekers in the world. When world refugee numbers rose again after the mid-2000s, so did the numbers coming to Australia. The Howard government's policies had only a marginal impact on the total number of asylum seekers coming to Australia.

All but 45 of the 1,637 asylum seekers incarcerated in Nauru who were found to be refugees then gained residence in Australia or New Zealand. TPVs were introduced in 1999, but had no effect during the next few years. Not until the international decline in asylum seeker numbers began to occur was there a reduction in boat arrivals in Australia. Let us put the facts on the table. The link between boat arrivals and TPVs is a figment of the imagination of the coalition. When was Tampa? Certainly not in 1999.

However, one consequence of temporary protection visas was that the number of women and children arriving on boats after the introduction of TPVs increased from 25 per cent to 40 per cent. Just because two things appear to occur at a similar time does not mean they are linked. The conditions necessary for effective, lawful and safe turn back of irregular vessels carrying asylum seekers to Australia are not currently in place. In fairness, those conditions might change but that would require Indonesian agreement. Has that been addressed by the coalition? I do not think so.

The report of the Expert Panel on Asylum Seekers was asked to help present a solution after the intransigence of the coalition. The government and the Australian community do not want people to continue to drown at sea. These deaths are completely unacceptable. The committee's integrated plan has made 22 recommendations. The
The plan states quite clearly that achieving a regional cooperation framework on protection and asylum issues is 'fundamentally important', a central focus of this report. This requires domestic policies that enjoy broad-based support and that are sustainable over time. That is, regional engagement that is not limited to countries party to the refugee conventions; with no advantage gained by people who circumvent regular migration pathways; enhanced asylum and protection opportunities; involvement of international organisations, NGOs and civil society. It already sounds like the Pacific solution.

The plan continues that Australia's humanitarian program be increased immediately to 20,000 places per annum with a minimum of 12,000 places in the refugee component of the program and that consideration be given to increasing the program to around 27,000 within five years. Furthermore, the program should be more focused on asylum-seeker flow moving from source countries into South-East Asia and 4,000 additional places should be provided to the family stream per annum to alleviate pressures caused by more applications, and specifically allocated to family of humanitarian visa holders. The government should expand relevant regional capacity-building initiatives by doubling the current allocation from $70 million to $140 million. The Malaysia arrangements should be built on rather than be discarded or neglected and this be should achieved through high level bilateral engagement focused on strengthening protections and accountability as a positive basis for the Australian parliament's recommendations for new necessary legislation.

Indonesia is key to any program. The plan recommends that bilateral cooperation on asylum seeker issues with Indonesia be advanced as a matter of urgency. These include: allocation of an increased number of humanitarian program resettlement places for Indonesia; enhanced cooperation on joint surveillance and response patrols, law enforcement and search and rescue coordination, and changes to Australian law in relation to Indonesian minors and others crewing unlawful boat voyages from Indonesia to Australia. Cooperation and collaboration are also critical parts of the plan.

This is an integrated plan that aims to be inclusive of our region. While Australia may be a desired settlement country, this is an issue for our region and the globe. However, the obsessive desire for an election is the likely explanation for the loss of bipartisanship. Maybe we have some insight into the impasse that has existed for months and years.

On 10 December 2010, the Sydney Morning Herald reported that:
A 'key Liberal Party strategist' told a US diplomat in Canberra in November last year, that the issue of asylum seekers was 'fantastic' for the Coalition and 'the more boats that come the better'.
That 'key Liberal Party strategist' could not have been more explicit about the political game that is being played.

Rather than asking for an apology from the Prime Minister, who has bent over backwards to arrange a compromise, the coalition should be apologising for its intransigence which has lead to the current situation. But, as we know on so many policy areas, the opposition have one policy and that is all. This is to say 'no' to good government legislation and 'no' to good policy. All they are really interested in is trying to get to an election. The reality is that, when you are in opposition, you have a responsibility to this country. The responsibility in cases like this is to have cooperation and to put the welfare of the
nation and refugees before the opposition's own political gain. When the government's legislation comes from the other place, we will see that the Labor government's position and the position of the coalition are like 'chalk and cheese.'

Senator Brandis: You have adopted offshore processing!

The ACTING DEPUTY PRESIDENT: Senator Brandis!

Senator POLLEY: In the long term we have the responsibility to put Australia first. We have to compromise. We have been prepared to do that. But no, those in the opposition are only interested in gaining political points that they see. They are not interested in resolving this issue, because they, for their own perverted reasons, see it as a winner for them to keep people at sea, to try to turn around these boats that are not fit to be turned around. We have heard very good one-liners from Mr Abbott, 'Yes, we have got to stop the boats.' The reality is you have come to the table, you have to compromise and you have to put other people's interests ahead of your own political gains. Senator Brandis, you can shake your head, but the people will judge you accordingly.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (16:45): Can I start with Senator Polley's words about turning the boats back. Let me quote the now Prime Minister, Ms Julia Gillard. The Australian people must also be wondering what is going on when the Prime Minister, and people like Senator Polley, are saying today, 'You can't turn the boats back,' when in 2002, when Ms Gillard was in opposition, she said:

And we think turning boats around that are seaworthy, that can make the return journey and are in international waters, fits in with that.

Ms Gillard was saying turning the boats around, when it was safe to do so, fits in. Of course, prior to the 2007 election, the then opposition leader Mr Rudd, the politically decapitated Mr Rudd, said, 'Turn the boats back when safe to do so.' So we have got the now current Prime Minister saying that, we have got the former, politically decapitated Prime Minister, Mr Rudd, saying the same, and now we have got these people saying, 'No, you can't do that.'

This whole asylum seeker industry has become one big tragedy. Last Saturday week I was with the deputy opposition leader, the Hon. Julie Bishop, up in the New England area at Tenterfield, a great place where Henry Parkes and others sat down to help establish the Federation. It is the birthplace of Peter Allen. It was very interesting as I showed Ms Bishop around Henry Parkes's museum there. He was an interesting man—he had three wives and 18 children and obviously had quite an exciting life. What a great contribution he made to our nation. But Ms Bishop was telling us that when the Labor government was elected in 2007 there were just four people in detention centres in Australia. Just four! And then, in August 2008, the then Prime Minister Mr Rudd at the request of the previous opposition immigration minister Ms Julia Gillard said, 'We will change the rules. We will do away with the Pacific solution,' a solution that the Howard government had brought in under the careful guidance of the Hon. Mr Philip Ruddock. The coalition had a problem and found a solution. This government had the solution and you turned it into a disastrous problem. What have we seen? More than 20,000 asylum seekers have arrived since August 2008. We have seen 386 boats. At the last election—you would remember it well, Madam Acting Deputy President Boyce—the then Prime Minister Ms Gillard said, 'We will do a deal with East Timor.'
She told all of Australia, 'We will do a deal with East Timor.' It was just that she did not happen to tell East Timor. So then it was, 'We will do a deal with Malaysia.' It was not a very good deal: 'You take 800 of our asylum seekers and we will take 4,000 of your refugees.' Eight hundred for 4,000—that is not a very good deal either. Of course, the High Court put an end to the so-called solution that the Gillard government had in relation to asylum seekers. It was the end of that when the High Court handed down its decision. So now we see the government, under the Houston recommendations, adopting Nauru. I do not know how many times Mr Abbott has said it.

How many times did Mr Abbott say, 'Pick up the phone to Nauru'? Hopefully, the facility will be back in working condition soon. Hopefully, those people who traffic in human beings for money, putting their lives at risk, will be brought to a stop. Some 22,000 people have come to this country seeking asylum on boats since the introduction of this government. Some figures say four per cent of these people lose their lives. We are talking 800 to 900 people who may have drowned at sea making this dangerous journey to our country. That industry must be shut down.

I am very fortunate to live in a beautiful country town where we have refugees from Sudan who have come to our town and become established there. They are really good people. One lady came there with four children. Her husband was murdered. I think her brother was also murdered. She got a life again, a new start in a lovely country town like Inverell, where the people have made them most welcome, where they are good citizens and where their children are being educated, getting work and going off to university. That is an ideal result—looking after those in refugee camps, those who are threatened, not those who are paying their way to come here. I find it amazing when we see boatloads of people coming and seeking asylum and they are all men. The boat is full of men. What, the women and their children are not seeking asylum? What is going on here? These are the people paying to come here. The industry must be stopped. I think it is certainly good that the government has now adopted the Nauru solution. It has worked before; it will work again. I know this is embarrassing for members of the government who have resisted this in arrogance for so long. But now we are getting steps that hopefully lead to this industry being shut down—lives will be saved and we can continue our compassionate settlement of proper refugees.

Senator EGGLESTON (Western Australia) (16:51): This is a very important debate. What we have seen in the last day or so is a complete backflip by the ALP government against the policy they had when they came to office of reversing the very successful coalition measures which stopped the boats, including offshore processing in Nauru and temporary protection visas, and, of course, the Nauru solution, under which people who came to Australia by boat were taken to Nauru, where they were offered the opportunity of assessment and, in due course, relocation to a recipient country if they proved to be genuine refugees.

The coalition has always argued that the full suite of measures that stopped the boats, including offshore processing in Nauru and temporary protection visas, should be reimplemented if the flood of boats was to be stopped, and we are very pleased that at long last the ALP has seen the wisdom of our policies and has decided to reinstate at least the policy of relocating people to Nauru. I am quite sure that within a short period of time, if common sense prevails, we will see...
that temporary protection visas are also put in place. Under these, people are offered a temporary protection visa—literally—which means they can stay in Australia while there is a problem at home and, when and if that problem is resolved, they are sent back to where they have come from. That practice was used in the case of the Kosovar problem, when the Kosovar refugees came here. It was also used in the case of East Timor when a large number of East Timorese came to Darwin and, in due course, when the situation East Timor was resolved, they were sent back to East Timor.

The most important point to make about what has happened in the last 24 hours is that the Howard government's highly successful asylum seeker policy, developed over 11 long years in power, has at long last been seen by the ALP to be a reasonable and respectable policy that was in fact very effective. When the coalition left office, just four people who had arrived illegally by boat were in detention—just four people. In a joint media release by parliamentary colleagues last Thursday, Scott Morrison and Michael Keenan pointed out that the largest single boatload of illegal asylum seekers had arrived the night before. It brought to 379 the total number of boats that have come to Australia since the Labor government came to office and the total number of people to more than 22,000. Some 7,500 refugees have come to our shores on boats this year alone. That amounts to one boat a day under the ALP government. Yet, in the last five years of the Howard government, just 18 boats arrived—one boat every 101 days, not one boat a day. That is an important statistic to dwell on.

When the Pacific solution was in place, between 2001 and 2008, 1,637 boat people were processed on Nauru and Manus islands, and I am pleased that, at long last, the Gillard has seen the value of this approach—albeit belatedly and on the advice of the Houston committee. I was very surprised that the government accepted the findings and advice of the Houston committee so willingly. I suspected that they would find flaws in whatever it was that Houston recommended. I think it just shows that at last they have looked back at the Howard years, have seen how successful the Howard policies were, have decided that common sense should prevail and that policies that worked under the government of John Howard should work again so that this terrible saga of people coming across the seas from Java to Christmas and Cocos islands and to Ashmore reef—with sometimes whole boatloads of people dying when the boats sink—will come to an end.

Senator STEPHENS (New South Wales) (16:57): This is a good opportunity to speak to Senator Fifield's MPI. The MPI is exactly the reason why it has been so difficult to make genuine progress in this matter. The government's decision is to work through the recommendations of the expert panel—not, as Senator Fifield has suggested, to implement the full suite of the coalition's policies. For far too long, we watched desperate people drown at sea while all sides of politics—senators and members—drew lines in the sand, dug in our toes and announced what we were not prepared to do. The intention was to be strong, but inflexibility actually weakened us and locked us into a stalemate position that, as the Prime Minister has said, has gone on long enough.

The fact is that good leaders do get things done. We want to move forward on this difficult, complex issue. We are prepared to make compromises. And that is why we welcome the advice of the expert panel and are prepared to work through their recommendations. I would like to see Senator Fifield and his colleagues take a much more positive approach—a genuinely
bipartisan approach—to this problem rather than keeping us stalled in discussion over the same old ground while they all talk about adopting the old coalition policy holus-bolus. Compromise actually involves every one of us revisiting our positions—each one of us, individually.

My colleagues know that I have spoken quite passionately here about my personal preference for onshore processing. But I have to say that, in reading the Houston review and thinking about the issue again, I have come to see that the difference between onshore and offshore is simply symbolic. What really matters is the how not where the asylum seekers are being processed. If while they are being assessed and their application is being processed they are treated generously with regard to such things as freedom of movement, food, medical treatment and education, then it really does not matter if this happens on the mainland or offshore.

In deciding to establish processing centres on Nauru and PNG as a matter of urgency, we are actually signalling our willingness to move forward, to climb out of what has been a pretty awful political stalemate, and to take some action. As I said, good leaders get things done. Instead of looking backwards, as the opposition members have asked us to do, they need to be looking forward as well and working with us to implement the expert panel's recommendations.

So they can forget about the full suite of their policy. Senator Fifield can be assured that we certainly have no intention of sending boats back. As the expert panel make clear to everybody, that is not an option. It is not humane; it is unsafe—people smugglers sink the boats; and, in fact, the Indonesian government does not support it either. Senator Fifield can also be sure that we will not adopt their policy of indefinite detention in conditions that have caused so many Australians to speak out. Our intention is to establish processing centres that respect the asylum seekers' humanity while, at the same time, pursuing in a spirit of fairness the principle that those who come to Australia by irregular migration arrangements are not privileged above those who use regular methods.

As Anabelle Crabb reminded us in *The Drum*, motives are important here. We are motivated by a sense of compassion, a sense of responsibility and a sense of fairness to the people who arrive on these boats, the people who seek asylum via more regular channels and the Australian people that they want to join. We are not naive. We know that working out how to effect procedure that is both humane and fair will be difficult and will take time and that, with so many people in search of a new country of residence, the problem will be an ongoing one. That is why we welcome help in the process from experts such as the UNHCR and from the coalition, the Greens and the Independent members of the parliament who, as representatives of Australia, have a responsibility to work towards a solution to this crisis in our region.

The Houston report recommends that the humanitarian intake be increased—and I know that was not part of the opposition's policy, either. But I certainly invite Senator Fifield and his colleagues to reconsider and to support the government as it works through this and the other recommendations over the coming months. Simply declaring that 'It's my way or the highway' is irresponsible. The expert panel has endorsed some parts of the opposition's policy and some parts of the government's policy. But, frankly, it is in the interests of all Australians that the opposition should turn its focus from inaction to action and support the legislation recommended by the expert panel.
FIRST SPEECH

The PRESIDENT (17:02): Order! Pursuant to order, I now call Senator Thorp to make her first speech and ask honourable senators that the usual courtesies be extended to her.

Senator THORP (Tasmania) (17:03): Mr President, I am very pleased and proud to stand here today in this place. I pay my respects to the traditional owners of the land on which we are gathered and their elders, past and present. Please extend my thanks, Mr President, to all the staff of the Senate, who have been so welcoming and helpful in the short time I have been here.

I would also like to acknowledge the contribution of my predecessor, Nick Sherry, and thank him for his 22 years of exemplary service to both this place and the state of Tasmania. As Australia’s first Minister for Superannuation, Nick worked hard to provide better retirement incomes for all Australians. He set up the Cooper review, the first systemic, in-depth review of Australia’s compulsory superannuation system. As Minister for Corporate Law, Nick had responsibility for the Australian Securities and Investments Commission and oversight of the Australian stock market during the most serious global financial crisis in 75 years. Nick played a key role in the Henry review of taxation, foreign investment matters, productivity reform issues, international economic regulation and global accounting standards. Thank you, Nick, and best wishes for your future.

I also had the good fortune to be born into a proud working-class family. My family worked in forestry, in farming, at the zinc works, at Cadburys and at the hydro—every generation working to provide a good life for the next. My family have backed me every step of the way, ensuring I could pursue my dream and become a teacher.

After finishing university, I taught at high school level. After teaching for a couple of years, it became clear to me that the students who displayed the most challenging behaviours were the ones I most wanted to engage. I returned to study and completed a post graduate qualification in special education. Through a combination of serendipitous events, I found myself working with the inspirational Joan FitzNead, a life member of the ALP, at a small school for high school girls. They had either been expelled or were refusing to go to school. This experience had a profound effect on me and for the rest of my teaching and
subsequent careers, working with disengaged kids has been my passion.

While we could and did get some great results with the girls, helping them re-engage with learning, it became very clear to me that the circumstances in which the girls lived had a much greater impact on them and their life chances than anything we could do in a school setting. The effects of poverty and family dysfunction deprive many Australian children from reaching their full potential. It is unacceptable to me that, with all the wealth of this country, hundreds of thousands of Australians do not get to reach their full potential. Far too many are caught in the poverty cycle.

We must ensure that every child is born into circumstances that give them the best start in life. We need to ensure our new parents have access to all the support and information they need to care for their children. Young mums and dads need to know how to care properly for their babies: good nutrition, health care and suitable accommodation. We need to ensure they are not socially isolated and have access to employment, training where necessary and opportunity for social interaction. Where this support is not provided by family and community, we must intervene.

When children start school, they do not all start from the same point. Many children start school ready to learn. They come to school having been exposed to a rich set of experiences. Many have already developed beginner literacy and numeracy. For them, school is a positive experience. For others, it is not. Where that deficit exists, whether through language barriers, a learning disability or a home where poverty has limited their life experiences, we have a responsibility to address that deficit. When we fail to engage a child in learning, we drastically reduce their life opportunities. We waste their potential to live fulfilled lives for themselves and we also lose their potential from the life of our nation.

Whenever I see or read of young people entering the justice system, I despair. How does it happen that one of our own gets to this point? We must stop this waste. When our young people make poor life choices, make mistakes, there must be a path back from that. All our young people have the right to safe, appropriate accommodation. All our young people have the right to leave formal schooling qualified to enter fulfilling employment. Where they do not, we must intervene. The gifts of our country are not for a privileged few; they are for all our citizens.

My vision is for a fair and equitable society where the value of each and every Australian is recognised—a place where every citizen has a roof over their head; a place to call home; a place where every parent has access to a job and knows they can feed and clothe their family and provide them with richness of experience. Hardly surprising, then, that I am a member of the Australian Labor Party. The Labor Party has always stood for social justice and equity.

The Scullin Labor government increased social service payments to people caught up in the Great Depression. The Curtin government introduced the first national system of widows pensions and increased child endowment and invalid pensions. It began funding public hospitals and introduced a centralised and uniform income tax system. The government led by Chifley dramatically broadened the base of the Australian social contract, but it was not easy. Chifley successfully led the change to our Constitution to give the Commonwealth control of social services, created a real public health system, legislated for construction of the Australian National University, started the Snowy Mountains
scheme and invested in the creation of Holden.

Meanwhile, Australia played a huge role in the writing of the Universal Declaration of Human Rights under the leadership of UN General Assembly President Doc Evatt. At the same time, great postwar reformers like British Labour leader Clement Attlee and US Presidents Roosevelt and Truman pursued society-changing social democratic reforms in the face of stiff resistance from conservative forces. Then, like today, they fought the merciless self-interest of the privileged elite on every reform. But this is what Labor governments are about—spreading opportunity and equity, not entrenching power and privilege.

Whitlam got our boys out of Vietnam, abolished university fees, introduced Medibank, increased the age pension and introduced a single mothers payment and the Racial Discrimination Act. Hawke's Labor government reformed industrial relations and trade, introduced the Sex Discrimination Act and the Equal Employment Opportunity Act. The government led by Paul Keating led the way on reconciliation, created Australia's superannuation scheme and introduced legislative protections for our endangered plants and animals.

Since this Labor government came to office in 2007, we have seen the abolition of Work Choices. We have injected massive investment into our tertiary education sector, established a national school curriculum, and built Trade Training Centres in Schools throughout the nation. We have significantly increased and reformed the aged, disability and carer pensions. We have doubled health funding and, after too many years of neglect, this government has given mental health the focus and funding it deserves. We are reforming aged care and we have launched a national disability insurance scheme. We are building a national broadband network and tackling climate change. We have already seen the fear campaign from Tony Abbott on the Clean Energy Future reforms evaporate to nothing. But make no mistake: fear is all the Leader of the Opposition knows.

I am fiercely proud of the fact that we on this side of the chamber are prepared to tackle the big issues and build a competitive future for our nation. We are driven by our fundamental belief that it is our responsibility to leave a better world for our children than the one we inherited. All the while, we are ensuring that those Australians who need the support the most receive it. The working and middle classes of Australia will always be better off under Labor.

This is a party and a government I am proud of. The values of the Labor Party are ones we should all celebrate—a belief in the value of all our people and their right to a good and healthy life. Our proud political history, steeped in the struggle of the trade union movement, is always in my mind as I approach the challenges we face today. The history of the Labor movement teaches us to have mutual respect for the worth of others, and solidarity with all people regardless of their background. It is a history and a cause that drives us to manage the economy in the interests of workers, always reforming and restructuring our economy and society with an eye to improving the day-to-day lives of ordinary people.

I do not buy the rhetoric from conservative forces in this country that says Australia's workers should have to sacrifice fair wages and decent conditions for some unstated, so-called productivity gain. The workers of this nation built this country and it is they who continue to create the wealth that sustains us today. No factory, no mine, no construction project or transport operation, no hospital, school or office block
can operate without the hard work and dedication of their workforce—and that includes every worker. Let us not forget the hard work of the cleaners of our nation. Often forgotten and sometimes out of sight, these men and women are absolutely integral to, and often the heart and soul of, any workplace. They deserve greater recognition, better conditions and fairer wages.

It has only been when Labor governments have worked hand-in-hand with our trade union movement that we have been able to achieve the great reforms that underpin modern Australia. The recent pay equity case for social and community service workers shows us what can be achieved when we work together. It also shows us that, even in the 21st century, there is still much work to be done to ensure every worker receives a fair day's pay for a fair day's work—and equal pay at that.

This Labor government will never forget the workers of this nation. We are ensuring textile outworkers are protected and not exploited, putting safety first for our nation's hardworking truck drivers, rebuilding Australia's shipping industry and putting fairness back into our building industry. And we will remain a country that makes things, through our commitment to supporting jobs in manufacturing. There is so much more to be done.

We have the opportunity to transform Australia by implementing the recommendations of the Gonski review, improving early childhood education and creating a truly world-class aged-care system. Only Labor has the ability and the courage to achieve these great things for our nation. These essential reforms must be the absolute priority of this Labor government. Locking in appropriate school funding must come before we consider any reduction in the corporate tax rate. The true character of a nation can be measured in its level of dedication and support for universal, quality, secular, public education.

We must support our teachers, who dedicate their lives to supporting and nurturing the talent and creativity of the next generation of Australians. Gonski gives us an opportunity to ensure that no child is left behind. To invest in our most disadvantaged children is to utilise the full potential of our people and to spread equity and social cohesion in our society. I am heartened to see the broad consensus within our community on these reforms and the desire to move Australia past the bitterly divisive battles bestowed upon us by the previous government's schools funding policy.

The National Broadband Network will transform Tasmania's economy and take us forward, in one giant leap, to the digital age. The productivity benefits from the NBN are enormous and the investment from its rollout is supporting over 800 jobs in Tasmania.

This federal government, in partnership with the Tasmanian Labor government, is investing in the most substantial irrigation development project in our state's history. We are investing $220 million to secure water, the lifeblood of agriculture, to prime agricultural land right across the state. We are ensuring Tasmanian farmers will have the most secure and plentiful water supply in the nation.

Only Labor will deliver these nation-building projects because only Labor believes in them. If it were up to the other side, these things would be declared entirely the responsibility of the private sector and we would never see these massive capacity-building projects come to fruition.

This federal Labor government is committed to the Tasmanian Freight Equalisation Scheme, recognising the disadvantage Bass Strait presents to us when
it comes to connectivity in the national highway and rail network. Since coming to office in 2007 we have expanded this scheme to incorporate intrastate sea freight to King Island and Flinders Island.

Yet all of this investment to Tasmania, all of the work this Labor government is doing to expand our productive capacity and increase the prosperity of the Tasmanian people, is at grave risk. It is at risk from the most populist and destructive federal opposition leader in the history of our federation. If the federal coalition wins the next election, Tasmania will see over $1 billion ripped from our state year after year. We know a coalition government would strip away hundreds of millions of dollars in GST payments to our state, forcing the closure of hospitals and an end to support for our industries in tourism, forestry, construction and manufacturing. This would devastate Tasmania.

Mr Abbott has pledged to take well over $100 million from Hydro Tasmania, causing power prices for Tasmanians to skyrocket. Mr Abbott has also pledged to axe the NBN and rip apart our fibre-optic cable future. He has pledged to rip hundreds of dollars out of the pockets of Tasmania’s pensioners, students, families and taxpayers. He is pledging to shut down our state, lock the door and throw away the key. He must not be allowed to destroy our state.

I am proud to be a founding member of Emily’s List. The struggle for women’s rights is sadly far from over. Women are still under assault from those people that think it is their right to dictate to a woman what sort of health care she is able to access. All women everywhere should have access to contraception, sexual health services and the right to terminate a pregnancy. I will always stand with the sisterhood in this fight.

I would also like to state on the record that I will be voting in this place in favour of marriage equality and to remove discrimination against same-sex-attracted Australians. If this Commonwealth parliament fails to do what is unequivocally and inarguably right, Tasmania will. I am proud that my state is prepared to move ahead and legislate to recognise same-sex relationships through state-based marriage laws.

As a Tasmanian I am aware that we have a particular set of circumstances that must be recognised nationally. We have a small, ageing and dispersed population. We have a high level of persons living with disability and a high percentage of people in receipt of government assistance. We have less than our proportional share of Commonwealth Public Service jobs. We are an island state and need to have that recognised through proper funding of the cost of doing business across Bass Strait. Half our state’s land mass is protected in reserves and we have an incredible network of marine parks and world heritage sites. The rest of Australia loves our beautiful wilderness and heritage. They need to recognise the effort that goes into preserving that for all Australians.

Let me dispel some of the myths put about that attempt to paint our state as mendicant. We have an amazing array of natural assets. We have mineral, forestry and fisheries resources. We produce everything from world renowned salmon and sheep’s wool, quality cheeses and chocolates, aluminium, iron ore and zinc products, shipbuilding and marine training. We have secure water resources and prime agricultural land that will allow us to become the food bowl of the nation, and we have a thriving poppy-growing industry. We have an abundance of clean energy and currently supply 50 per cent of the nation’s renewable electricity. We are building one of Australia’s largest wind
farms at Musselroe Bay. Our dairy industry is undergoing major investment and we are seeing significant expansion in aquaculture. Our taxation levels are the lowest in the country. With our natural advantages we can look forward to a great future.

There are significant ways that the federal government can work proactively with Tasmania to ensure a good future for the state. We must ensure our fair proportion of Commonwealth jobs in Tasmania. Ensuring proper access to Australian government services in our regions requires appropriate levels of Commonwealth public sector staffing. We need to keep Public Service career pathways and job opportunities available to Tasmanians to ensure we do not bleed talent to the mainland. Strong, secure and vital public sector jobs in our state also help to keep families in Tasmania.

Our nation works best when all our citizens, no matter where they live, are given equal consideration and support by government. We need access to the same level of Commonwealth services in agriculture, veterans affairs, legal services, health care, social services, customs and meteorology.

Launceston has at our disposal excess and fully connected call centre facilities at the Techno Park in Kings Meadows. There are a number of Commonwealth agencies that require customer call centres to service the entire nation. Australians rightly expect timely access to government services, which can only be delivered by a well-supported network of front-line staff. We are ready in Launceston to take up any additional demand that may exist for call centre operations.

It is important that Tasmanians have equal access to their senators across the state. That is why I have based my electorate office in Launceston. I look forward to working with northern Tasmanians to achieve new opportunities and bring our fair share of Commonwealth services to the region. Let us recognise that as an island state we have a unique set of challenges and that these need to be addressed. That is my role as a senator for Tasmania—working for that action.

I am supported in this endeavour by the love of my family and friends, and I do so in memory of my beloved nephew Ricky John Williams, who left us in October last year.

I dedicate myself to working for the best interests of my state of Tasmania and to progressing the policies of the Australian Labor Party, as it addresses the social inequity that, sadly, still exists in our country. I will never forget our true purpose, our history, our background and I will always stand in solidarity with the disadvantaged, the dispossessed and the working men and women of this nation. Thank you.

**MATTERS OF PUBLIC IMPORTANCE**

**Asylum Seekers**

Debate resumed.

**Senator IAN MACDONALD** (Queensland) (17:27): I congratulate Senator Thorp on her maiden speech. It is always of great significance to get through your maiden speech. You did it beautifully, so well done. That is perhaps the most encouraging thing I am ever going to say to you except this: welcome to the Scrutiny of Bills Committee, to which I know you will make a great contribution. Without being too out of line, your speech was very passionate, very well delivered and on message but in some areas, particularly when talking about the coalition, a bit light on fact.

I say to Senator Thorp: if the Labor Party had a leader who could be trusted and who could stand up to the Greens, then perhaps the state of Tasmania would be a little better.
off. Clearly, most of the bad, bad policies of the Labor Policy at the present time are due to the influence of the Greens political party and none more so than this fiasco around the border protection policies of the Gillard government. How Ms Gillard manages to face the humiliation that is dealt to her day after day, as she does backflip after backflip on policies, is beyond me.

Let me, for those who might be listening, indicate what this border protection issue is all about. People will recall that John Howard in government did have a problem with illegal arrivals, would-be asylum seekers, to such an extent that it caused one up-and-coming member of the then opposition, Ms Gillard, to famously say, ‘Another boat, another policy failure.’ Then she presided over a regime where the boats just kept coming and coming. For once, Ms Gillard was right: policy failure, after policy failure, after policy failure.

What disturbs me about this latest backflip is that it could have been done three, four, five years ago. Had Ms Gillard had the courage to admit she was wrong, how many lives would have been saved? How many people would not have been put through that arduous and dangerous journey to come to Australia knowing that if they got here under a Labor government the doors would be open and they would be here for life and receiving all the benefits that Australians receive? But, no, day after day Ms Gillard and every one of her ministers, including Senator Evans, told us how the Pacific solution was evil, that it could not be done, that it should never be looked at. I do not think they used these words but the connotation was there: it was Satan's work to adopt offshore processing on Pacific islands. And yet a couple of days ago, in spite of all that rhetoric, in spite of all that bluff and bluster, Ms Gillard turns around and now adopts John Howard's Pacific solution.

Regrettably, she has only adopted part of it. Whilst the coalition clearly will be supporting the part that she has belatedly agreed to, regrettably, so far as I understand it on last information, she will not be introducing the temporary protection visas and she will not be turning the boats back when it is safe to do so. Without those two elements of this policy, I do not know that it is going to make a big deal of difference. It is certainly a step in the right direction, it is one pace towards a solution which the coalition supports, but it misses the two crucial elements that would take us back to the era of John Howard when, facing the unprecedented arrival of illegal immigrants in those years, he introduced these policies and they stopped. As soon as the Labor Party got rid of those policies, they start again. Now, with one foot towards the right solution, hopefully they will reduce but, without the other two elements, I doubt it. You can turn boats around. Admiral Griggs in Senate estimates gave evidence of how he did it when he was a patrol boat captain, so it can be done. Let us hope that the Gillard government will go the final hog and introduce the other two elements of Howard's solution.

**The ACTING DEPUTY PRESIDENT** (Senator Moore): Order! The time for consideration of the matter of public importance has expired.

**COMMITTEES**

**Scrutiny of Bills Committee**

**Report**

Senator IAN MACDONALD (Queensland) (17:33): I present the 8th report of the Standing Committee for the Scrutiny of Bills, which I am pleased to say Senator Thorp is now part of. I also lay on the table Scrutiny of Bills Alert Digest No. 8.

Ordered that the report be printed.

CHAMBER
Senator IAN MACDONALD: I move:
That the Senate take note of the report.

Senator IAN MACDONALD: I seek leave to make a statement on the report.

Leave granted.

Senator IAN MACDONALD: I want to highlight the work of the Senate Scrutiny of Bills Committee. This committee is very useful to this parliament. I often feel that the good work of the committee and its legal adviser is not well enough appreciated in this chamber. The committee over the last couple of meetings and again today has looked at ways that perhaps the work of the committee could be more recognised by members, not only in this chamber but in the other chamber as well. We are going to try a couple of initiatives to make it easier for senators and members of the House of Representatives to use the work of the committee in alerting members and senators to some elements of different pieces of legislation that do infringe upon the things that the Senate Scrutiny of Bills Committee is charged with looking at—that is, trespassing unduly on personal rights and liberties; making rights, liberties and obligations unduly dependent upon insufficiently defined administrative powers; making rights, liberties and obligations unduly dependent upon non-reviewable decisions; inappropriately delegating legislative powers; and insufficiently subjecting the exercise of legislative powers to parliamentary scrutiny. The committee looks at all of those elements, does not take a partisan view on any of them, but draws to the attention of senators where the committee believes, on advice, that those principles have been breached. I commend the latest report and Alert Digest to senators.

Question agreed to.

DOCSUMENTS

Presiding Officers of Australian Parliaments

Tabling

The ACTING DEPUTY PRESIDENT (Senator Moore) (17:35): I table a communique from the 43rd Presiding Officers' and Clerks' Conference relating to the independence of parliament issued at Honiara on 26 July 2012.

DELEGATION REPORTS

Parliamentary Delegation to the United Kingdom, Spain, Germany and the United States of America

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:36): by leave—I present the report of the Australian parliamentary delegation to the UK, Spain, Germany and the United States which took place from 14 April to 3 May 2012. I seek leave to move a motion to take note of the document.

Leave granted.

Senator POLLEY: I move:
That the Senate take note of the document.

I seek leave to continue my remarks.

Leave granted; debate adjourned.

PETITIONS

Kanwal Village Post Box

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:37): by leave—On behalf of Senator Sinodinos, I present to the Senate the following petition, from 2,240 citizens and relating to an Australia Post box being relocated to Kanwal Village shops, which is not in conformity with the standing orders as it is not in the correct form.

Petition received.
CONDOLENCES

Adams, Senator Judith Anne

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (17:37): I seek leave to table a volume of documents relating to the late Mrs Judith Adams.
Leave granted.

Senator BUSHBY: I table a bound volume of condolences and other speeches relating to Mrs Judith Adams.

DOCUMENTS

Tabling

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

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

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT: I have received a letter from a party leader seeking variations to the membership of committees.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:38): I seek leave to move a motion to vary the membership of committees.
Leave granted.

Senator CHRIS EVANS: I move:

That Senator Birmingham be appointed to the Environment and Communications Legislation and References Committees.
Question agreed to.

Foreign Affairs, Defence and Trade Legislation Committee

Report

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:39): On behalf of the Chair of the Foreign Affairs, Defence and Trade Legislation Committee, Senator Stephens, I present the report of the committee on the provisions of the Defence Trade Controls Bill 2011 together with the Hansard record of proceedings and documents presented to the committee and I move:

That the report be printed.

Ordered that the report be printed.

Senator POLLEY: I seek leave to move a motion in relation to the report.
Leave granted.

Senator POLLEY: I move:

That the recommendations setting a final reporting date of 31 October 2012 and referring any proposed government amendments to the committee be adopted.
Question agreed to.

Environment and Communications Legislation Committee

Report

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (17:40): On behalf of the Chair of the Environment and Communications Legislation Committee, Senator Cameron, I present the report of the committee on the provisions of the Greenhouse and Energy Minimum Standards Bill 2012 and a related bill, together with the Hansard record of proceedings and documents presented to the committee, and move:

That the report be printed.
Ordered that the report be printed.
MIGRATION LEGISLATION AMENDMENT (REGIONAL PROCESSING AND OTHER MEASURES) BILL 2012

The Acting Deputy President: A message has been received from the House of Representatives forwarding the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012 for concurrence.

First Reading
Senator Chris Evans (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (17:41): I move:
That the bill may proceed without formalities and that this bill and be now read a first time.
Question agreed to.
Bill read a first time.

Second Reading
Senator Chris Evans: I table a revised explanatory memorandum relating to the bill and move:
That the bill be now read a second time.
I seek leave to have the second reading speech incorporated into Hansard.
Leave granted.
The speech read as follows—
This bill amends the Migration Act 1958 and the Immigration (Guardianship of Children) Act 1946 to clarify the framework for taking irregular maritime arrivals to another country for assessment of their protection claims.

The purpose of this bill is clear: to give effect to recommendation 7 of the Houston Panel report, which recommended that "legislation to support the transfer of people to regional processing arrangement be introduced into the Australian Parliament as a matter of urgency".

The bill before the Senate today, passed by the House earlier this afternoon, is designed to enable the government to transfer asylum seekers arriving at excised offshore places to designated third countries for the processing of their claims while ensuring their protection from refoulement.

Of course, this is a power that was thought to exist until 31 August 2011, when the majority of the High Court decided that transfers under section 198A of the Migration Act could only take place to countries legally bound to provide protections equivalent to those offered by Australia.

Subsequent legal advice has made it clear that the High Court's decision has also thrown into significant doubt the ability of governments—present or future—to effect transfers to a range of countries in our region that are prepared to offer protection from refoulement, and will allow processing of refugee claims to be made, including Papua New Guinea and Nauru.

So today the Government is introducing amendments to the Migration Act to make Parliament's intention absolutely clear. This intention—the rationale for these amendments—is set out in the new section 198AA.

Section 198AA makes clear that these amendments are designed to tackle people smuggling, the distressing consequences of which we have seen so starkly in recent months.

The Government believes offshore processing, when part of a proper regional framework, is appropriate and necessary—because, when properly designed, it can provide an effective deterrent to these dangerous boat journeys.

This was the point made by the Expert Panel, which consisted of former Chief of the Defence Force, Angus Houston, former Secretary of the Department of Foreign Affairs and Trade (and Liberal Party policy adviser), Michael L'Estrange, and a man who has made caring for refugees his life, Paris Aristotle. These panel members worked intensively and single-mindedly on their report over the past six weeks.

The Government received their report on Monday and has given in-principle support to all 22 recommendations.

Following negotiations between the Government and Opposition yesterday, the bill now also gives effect to the Panel's
recommendation that the designation of a country be a legislative instrument, disallowable by either House of Parliament. In other words, each House now has a power of veto over the designation of countries by the Minister. This is not a power that existed previously.

The bill also reflects the agreement reached between the Government and Opposition to ensure that—unlike most legislative instruments—in the case of a designation made for this purpose, the Parliament will have prospective, rather than retrospective, oversight.

Offshore entry people can only be transferred to "regional processing countries"—the term preferred by the Expert Panel in light of its emphasis on regional co-operation and protection—once one of two things has occurred after the designation has been laid before each House of the Parliament:

- both Houses of Parliament have passed a resolution approving the designation; or
- five sitting days have elapsed in both Houses without either passing a resolution disapproving of the designation.

The bill also provides that only one country can be designated in each instrument—so there will be no "job lots" where multiple countries are designated in the same instrument.

Further, the bill provides that the designations cannot be time limited, providing ongoing certainty of arrangements until the Minister determines that a designation ought to be revoked. This means that people smugglers cannot seek to build an expectation that a designation will be coming to an end.

There are sound policy and humanitarian reasons for supporting the processing of people seeking asylum in Australia in another country when it is part of a properly thought-through regional framework.

As the Office of the United Nations High Commissioner for Refugees said in a landmark policy paper in November 2010:

"Under certain circumstances, the processing of international protection claims outside the intercepting State could be an alternative to standard 'in-country' procedures, Notably, this could be the case when extraterritorial processing is used as part of a burden-sharing arrangement to more fairly distribute responsibilities and enhance available protection space."

A truly regional approach involves Australia playing more of a role in resettling refugees and helping countries in the region move towards consistent standards and treatments. These are both recommendations of the Expert Panel report.

In order to combat people smuggling — and in order to remove the lure of probable settlement in Australia, the product that people smugglers are able to sell — this bill is explicitly intended to allow for the transfer of offshore entry persons to a designated country.

The only condition for the designation of a country is that the Minister thinks that it is in the national interest to make the designation. In forming this view, the Minister must have regard to whether or not the country has provided assurances to the effect that it will not refoulé those transferred and will make — or permit to be made — an assessment of a transferee's claims to be a refugee.

This bill allows for transfers to designated third countries, whether or not those countries are legally bound to provide the sorts of protections set out in subsection (3) of section 198AB. This intention is spelt out in paragraph (d) of section 198AA.

In support of accountability, the new section 198AC requires the Minister to lay before Parliament several documents for the purpose of informing the parliamentary — and public — debate on the designation of a country as a 'regional processing country'.

These documents include:

- a statement of the Minister's reasons for thinking it is in the national interest to designate the country to be a regional processing country;
- a copy of any written agreement — whether legally binding or not — between Australia and the designated country relating to the taking of persons to that country;
• a statement about consultations with the Office of the United Nations High Commissioner for Refugees in relation to the designation;
• a summary of any advice received from UNHCR about the designation; and
• a statement about any arrangements that are in place, or will be put in place, for the treatment of persons taken to the country.

These are criteria that do not go to the validity of the designation. They go to political accountability.

The bill also makes related amendments to the Immigration (Guardianship of Children) Act 1946 to effectively return the law to the position that was understood to exist prior to the High Court decision. That is, to assert the primacy of the Migration Act over the Immigration (Guardianship of Children) Act.

This is designed to remedy the current, patently unworkable, situation precluding the involuntary transfer of unaccompanied minors to other countries, whether taken to a designated country under the provisions of this bill, removed as failed asylum seekers or transferred under other provisions.

Under the interpretation of the law set out by the High Court last year, the removal from Australia of an unaccompanied minor is practically extremely difficult, if not impossible.

Of course, the Minister will retain the ability to personally intervene to determine that a minor—or any other person who is considered vulnerable—should not be taken to a third country under the new subdivision. This power is an important safety valve to be used in individual cases, as and where appropriate.

However, a blanket inability of the government of the day to transfer unaccompanied minors to a designated country provides an invitation to people smugglers to send boatloads of children to Australia. No government can stand for the gaming of the system and risking of children's lives in this way.

That is why these amendments to the Immigration (Guardianship of Children) Act are necessary.

I commend this bill to the Senate and I urge all Senators to support it.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (17:41): 'The single most important priority in preventing people from risking their lives on dangerous maritime voyages is to recalibrate Australian policy settings to achieve an outcome that asylum seekers will not be advantaged if they pay people smugglers to attempt dangerous irregular entry into Australia instead of pursuing regular migration pathways and international protection arrangements.' So said the government's own hand-picked panel operating under the government's own self-drafted terms of reference. A hand-picked panel and self-drafted terms of reference—and the verdict? One of the most stinging critiques ever of government policy by a panel hand-picked by government with self-drafted terms of reference.

This report explodes and exposes the government's four years of failure and falsehoods in relation to the causes of the tsunami of illegal arrivals in our country. After 22,000 illegal arrivals by boat, after over 600 deaths at sea, after a $4.7 billion cost blow-out funded by the Australian taxpayer, and after the government's own panel has told the government the exceedingly obvious, all of which fully vindicates the coalition's consistent policy position over the last decade, we have the government without even an 'if you please' let alone a full-scale apology coming into this place with a half-baked solution. The proposal which represents just one pillar of a three-pillar solution is to be welcomed, because one pillar is clearly better than none. So the coalition will support the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012. But let us be crystal clear: the coalition's
policy prescription worked, it stopped the boats and it will work again.

The coalition has always stood for strong border protection. The bill, whilst not ideal, is moving in the right direction, so the coalition will support it. In showing our support, coalition senators will curtail their contributions to facilitate the bill's passage, albeit—and I want to make this point very, very clear—that each and every one of us on the coalition side would be fully justified to speak our full 20 minutes normally allocated to highlight the avalanche of epithets and abuse those opposite and their fellow travellers in the commentariat threw at the member for Berowra, Mr Ruddock, the former Prime Minister and, indeed, all of us who argued against Labor's ill-advised policy shift.

Not content with the fiscal and humanitarian damage they caused, those opposite engaged in a verbal rampage of vilification against the coalition on the workable solution they so wilfully scuttled. I recall the claims of the government leader in this place in answer to former Senator Ellison's questioning about Labor relaxing border protection. This was back on 13 October 2008—and I quote Senator Evans:

I do not accept that any changes to detention policy in this country have led to an increase in arrivals. First of all, there has not been an increase in arrivals and, secondly, we know that the indefinite long-term detention of arrivals did not prove to be a barrier to people continuing to make the journey.

He went on to claim on another occasion that the Pacific solution was regarded internationally as a stain on Australia's reputation. Such was the hysteria Labor tried to peddle. Today, without any apology and without any 'if you please', they are reintroducing part of the Pacific solution; specifically, Nauru.

Now, just chanting 'Nauru' is not going to be a solution. We will monitor Labor's administration of this very closely. We have form from this government in the area of pink batts, Building the Education Revolution and the National Broadband Network, just to mention a few areas where the initial headlines were exceptionally good but the underlying policy was non-existent and the administration was absolutely appalling. If Nauru is to work we need policy conviction and commitments.

A Labor senator earlier today said that indefinite detention was not on the agenda. Let us be quite clear on this: the panel made it exceedingly clear—this is Labor's hand-picked panel—that if you are going to send a message it has to be firm and clear. The panel did use diplomatic language, and I accept that. But let us analyse what they actually said. They said that the boat people should not get a better outcome by virtue of coming here by boat. What does that mean—no advantage? It means that they should not be provided an advantage over the 10 million refugees around the world awaiting resettlement. It means they should get no advantage over the 100,000 seeking resettlement in Malaysia. They should get no advantage over the 5,000 waiting in Indonesia for resettlement. So what does this mean? This panel's recommendation means that the boat people will have to join the queues, and they will need to wait in line.

As I have said in these debates before: there is no social justice in any way, shape or form in giving advantage to people who deliberately bypass safe haven after safe haven after safe haven and then destroy their documents and pay criminals to gain entry into Australia, whilst there are others who have been waiting in refugee camps for nigh on two decades and who do not have the financial wherewithal to pay criminals to get them access into Australia.
During this past break from the parliament I personally spoke with refugees on the Thai-Burma border awaiting resettlement. It is very confronting when you have such a discussion with a person who has been displaced since 1994. Do those people understand that there is a queue? Yes, they do. Do they understand the need for some order in this area? Yes, they do. Do they understand that giving precedence to the illegal arrivals delays their resettlement? Yes, they do. And might I add that apart from visiting a refugee camp in Thailand I also visited a compound in Indonesia where a would-be boat person was housed who had never set foot in a refugee camp, and who had relatives back home drip-feeding him money from his accounts that he had been able to get a relative to manage. I make no apology for saying that my sympathy lies with the person who arrived in Thailand in 1994 rather than the would-be boat person who is still able to manage his financial affairs, courtesy of relatives, back in his former country. The point I seek to make on behalf of the coalition is that the government needs to send an unambiguously clear message: if Nauru allows easier access to resettlement than for the other 10 million then Nauru will have failed.

Whilst the coalition has pursued a three-pillars approach for over a decade, with temporary protection visas, offshore processing and turning back the boats, the ALP has pursued a three-pillars approach as well—one of ideological idiocy, wilful waste and desperate denial. The coalition did not need to outsource its policymaking in this area, as the government has done with this panel. Indeed, the Leader of the Opposition, Mr Tony Abbott, on over 100 occasions called on the Prime Minister to pick up the phone to Nauru, and she refused. I understand that the government now finally has. There were four wasted years because of a deliberate refusal to pick up the phone. It is four years too late, but at least it has been done.

Let me also deal with the issue of turning back the boats, something that Ms Gillard supported whilst she was in opposition and then absolutely condemned, and now she sort of talks about virtual turn-backs. But, of course, we now know that Ms Gillard is a policy void in this area because she has outsourced, as has the Labor Party, the government's approach to an expert panel. But this is what the expert panel said on page 53 of their report in relation to turn-backs. I quote from paragraph 3.77:

"Turning back irregular maritime vessels carrying asylum seekers to Australia can be operationally achieved and can constitute an effective disincentive to such ventures ... It is very clear. I do accept that at the end of that sentence there is a caveat that says 'only in circumstances where a range of operational, safety of life, diplomatic and legal conditions are met'. But clearly it is something that can be operationally achieved and can constitute an effective disincentive to such ventures. So why have the Labor Party and their fellow travellers in the commentariat sought to demonise the opposition year after year after year when we have said that that is part and parcel of the proposal to stop this dangerous game of people smuggling? Make no mistake: it is Australian policy—and these are not the coalition's words but the words of the Labor government's hand-picked panel—that 'the single most important priority in preventing people from risking their lives is to recalibrate Australian policy settings', and one of them, of course, is turning back the boats.

So if there are—and I understand and accept this—genuine Australians who are concerned about the number of deaths at sea then I say: ensure you stop the boats. When
the Howard government stopped the boats, guess what: the deaths at sea also stopped. When the flood of boat arrivals started again with the election of the Rudd government, the number of deaths at sea also regrettably increased. I have said on a previous occasion and I repeat that I do not blame the government for the deaths at sea. The criminal people smugglers bear that consequence on their conscience. But, if we know that our policy settings are assisting the criminals, we have a duty and an obligation to ensure that they are put out of business. Clearly, according to Labor's own expert panel, turning back the boats is one of those measures that can work. That is why the coalition remains committed to its strong, fair border protection policy; that is why we believe the government is not going all the way that it should go; and that is why, on behalf of the coalition, I move:

At the end of the motion, add:

but the Senate:

(a) notes that the Government has accepted the Coalition's policy of offshore processing of asylum seekers on Nauru and Manus Island; and

(b) calls upon the Government to implement the full suite of the Coalition's successful policies and calls upon the Government to immediately:

(i) restore temporary protection visas for all offshore entry persons found to be refugees;

(ii) issue new instructions to Northern Command to commence to turn back boats where it is safe to do so;

(iii) use existing law to remove the benefit of the doubt on a person's identity where there is a reasonable belief that a person has deliberately discarded their documentation; and

(iv) restore the Bali Process to once again focus on deterrence and border security.

We have had four wasted years—four years of failed policy. We have had 22,000 arrivals that have displaced others. We have had hundreds of deaths at sea. We have had a $4.7 billion blow-out that the Australian taxpayers have had to fund. The coalition will support the legislation, but we do say that the stance we have taken in the face of vile vilification from those opposite and the commentariat, and the fact that we have withstood that vilification, has now been vindicated by this report. We commend the bill to the Senate, but we also say that things could be taken a lot further to ensure that these criminals are put out of business once and for all, as they were under the Howard government.

Senator MILNE (Tasmania—Leader of the Australian Greens) (17:59): I rise today to oppose the legislation before the Senate. I do so saying that I think it is a tragedy in Australian public life that we have got to the point where the government and the coalition are trying to outdo each other on the level of cruelty and punishment they are prepared to inflict on refugees who are seeking asylum in our country.

The fact of the matter is everybody talks about a problem. The problem will not be fixed. What is the problem? The problem that is being cited is that people are losing their lives at sea on leaky boats and we have to stop that. I could not agree more, and I will come to that in a moment, but actually that is the fig leaf. The problem that the Houston panel refers to and that is spoken about in here by the government and the coalition is deterrence. Both of the major parties in Australia want to deter asylum seekers—refugees—from coming to live in our country. The whole message is: 'We do not want you in our country. We want to punish you so that we give the message out there clearly to the rest of you that we do not want you in our country and we will punish you if you try to come here. What we're going to try to do is punish you by taking you to Nauru, by taking you to Manus Island, by taking you to Malaysia, by leaving
you in indefinite detention. That is the punishment so the message goes out to you and your families that we do not want you here. Don't even try to come; because, if you do try to come, that's what we're going to do to you.'

Why are we putting in place this notional view of deterrence when we are talking about people who are genuine refugees? No amount of punishment that we give people is going to be worse than the situation from which they have run. Women are running from Afghanistan because of the treatment that they are getting in that country. Recently there was the killing—the murder—of a woman in Afghanistan accused of adultery. She was murdered. A video about it went out around the world, and we had people in Australia from both the government and the coalition saying: 'This is terrible, this is terrible. This is why we need to be in Afghanistan.' Yes, it is terrible. But what if that woman's friends—what if people watching—decided they had to leave Afghanistan because it could be them next? We are saying: Yes, you should leave Afghanistan; it is a terrible situation. But we don't want you here. Go somewhere else. Land yourself up in a camp in Malaysia. Land yourself up in a camp in Indonesia and stay there. If you attempt to come here, we will send you into indefinite detention on Nauru, on Manus Island, in Malaysia or wherever else. We'll punish you. It's not enough you've been punished once; we have to punish you again.'

What is the crime that they have to be punished for? Their crime is that they have run away. They have been persecuted and have run away, and we say, 'No, we don't want you here.' We then go into this ridiculous language of advantage and disadvantage. 'Queue jumpers'—that is an invention of the Howard government. It assumes there is some sort of orderly queue of people running away from persecution. There is not. They are in all kinds of situations in Malaysia and Indonesia. But with this idea of advantage what people fail to realise is that Australia refuses to give visas to people from Iran, Iraq, Afghanistan and Sri Lanka because we already think they are too great a risk that they might want to come to our country. They are so great a risk we will not give them a visa. Without a visa they cannot travel; they cannot come through normal channels.

Let us face it: 13,750 people can come to Australia on humanitarian refugee status now. We take over 200,000 people, but not these ones. If you can get a visa, you can fly in and seek asylum when you get here, and you can get that from many other countries—but not from these countries, because we deem them to be such a risk. So they get to these camps and have no hope of getting resettlement. They get to the point where they think the only hope they have is to get on a boat and hope they can get to Australia, hope they can be assessed as refugees—many of them are already assessed as refugees in Indonesia. And we say, 'No, our priority is to deter you.'

When the Greens stand up and say, 'If you are genuinely concerned about saving lives at sea, what you need to do is give people safe pathways to Australia once they are assessed as a refugee so they don't have to get on a boat, what is wrong with that?' The answer is, 'Open borders; we couldn't possibly risk it.' Nobody is talking about open borders. What we are talking about is lifting the humanitarian intake to recognise that, when there are periods of war and persecution around the world, there is an increase in the number of people seeking asylum. Australia, the land of the fair go, the generous country, takes less than two per cent of the world's refugees, and yet we feel like we have to deter them because suddenly
we are going to be overcome by this two per cent of the world's refugees.

Let me go to the issue of people dying at sea. I will not have it that Senator Abetz stands there and says there is any vindication of his policies, because there is no vindication of his policies. There is no vindication of his general policy at all. I go particularly to this claim that former Prime Minister Howard stopped the boats. Firstly, what he did was excise territory so that when boats turned up they were not counted because they were not turning up in Australia. That is why there was a change in the figures: it is how they counted them. Secondly, they brought in temporary protection visas because they said, 'If we take away the rights of asylum seekers to apply to bring their families here, that'll deter them, that'll teach them, that'll punish them.' It led to the wives and children getting on the boats because they had no other way of joining their husbands, their brothers, their fathers in Australia. They died on the SIEVX. Three hundred and fifty-three people died because of temporary protection visas. That is forever on the conscience of Prime Minister Howard, Senator Sinodinos and everyone else who worked in that office at that time and exempted themselves from telling the truth or even turning up to the Senate inquiries.

To this day we have not had a royal commission into what happened with the SIEVX. How is it that that many people drowned and disappeared? Who knew? Where were our coastal surveillance people? Why did we leave it? Which vessels turned up there and shone their searchlights onto people in the water and then sailed away? Labor made it part of their policy, in 2004, to have a royal commission into this. That was dropped by Prime Minister Rudd. I want a royal commission into the SIEVX, and I would like that extended to the loss of the other boats that have come in the intervening years because there is a terrible tension between the policy of saying, 'We want to deter people, therefore we don't want to make it look as if we're a search and rescue service'—as the coalition would have said. No, we want to leave people to the very last minute; and so the tension is between deterrence on the one hand and Australia's obligation to save lives at sea on the other. The reason we have so many people suffering post-traumatic distress in the Navy and the rescue services is they know that people are in trouble but they are not being sent immediately, because we have to balance deterrence with rescuing people.

A boat went down recently with the terrible loss of life of 90 people. We knew they were in trouble on Tuesday afternoon but we did not tell the Indonesians until Thursday afternoon that we were going into their search and rescue zone to rescue those people because they were already in the water by then and 90 of them drowned. I want to know who made the decision not to go on Tuesday afternoon. I want to know who made the decision not to say to the Indonesians, 'We are going into the search and rescue zone,' because we Australians know the Indonesians do not have the physical capacity with boats to do so. The only boat they have cannot go out in swells of more than four metres. We know they do not have the boats. We know they do not have the electronic surveillance to know where people are. We do. We know where those boats are. We knew the Indonesians could not rescue them and yet we did not go. I want to know why.

Let us get this on the record: if you want to save lives at sea it is possible. One of the good things that has happened, as I have been calling for codification on saving lives at sea, is that the Prime Minister moved, over the winter break, to help the Indonesians
develop more capacity for rescue. One of the excellent things that has come out of the Houston report is a recommendation that we codify our responsibilities under Saving Lives At Sea so that everybody in the chain of command—from intelligence identifying where a boat is through to the people on the ground rescuing them—has a consistent set of instructions and knows exactly what they are supposed to do. Let us have that on the record and let us see when we start getting calls for some decent and proper recommendations for the people who are doing everything in their power to save lives. This is not a criticism of the people who are out there trying to do the rescues. All of those people are trying to do the right thing and their frustration is that they know that, in many cases, they could have gone earlier and did not. That is not their fault.

I go to the actual policy of what is being recommended—sending vulnerable people, children, offshore. This legislation says that the minister relinquishes his guardianship responsibilities—his or her, it may be a male minister—so children coming on these boats can be put into detention indefinitely. Why do we think that is fair? Why do we think that is humane? Why do we want to punish children? Because we want to send a message to their families that we do not want them here?

They are not temporary protection visas but they might as well be. The government wants to change the act so that the males who come cannot seek family reunion. That is exactly the logic that led before to 353 people, mainly women and children, drowning—and we are doing it again even though we know that is the result. It will lead to people knowing the only way they have any chance of coming to Australia is to get on a boat because they are not going to be allowed to apply through the special humanitarian opportunities and will be put at the back of the queue in terms of the assessment of refugee status and family reunion status. It will be years and years—decades—before it happens and that is why they have no choice. That is what is going on here.

One thing I think the Australian community has not realised is that there has been all this talk about protecting their rights: 'Yes, we will send them to Nauru; yes, we'll send them to Manus Island; yes, we'll send them to Malaysia—but don't worry, we'll protect their rights.' Why are we having to debate this and legislate? The rights already exist in the legislation at section 198A. Those rights are there. The reason we are doing this is the High Court said that we cannot guarantee people's human rights in these other places because they are not enshrined in law in Malaysia. We cannot guarantee a person in a camp in Malaysia that they will be treated with decency and have their human rights respected. We know that people have been beaten and sexually assaulted, that they cannot work or send their children to school. Their rights are not enshrined—but we are required by law to do that and that is why the High Court said that the Gillard government's attempt to put people in Malaysia was against the law. The law codifies our obligations under the human rights convention and the refugee convention.

This parliament is now saying, 'Well, we'll get around the High Court by removing human rights protections from Australia's law.' What this clearly says is there is nothing legally binding about what will happen in relation to this. There might be people of good intent, and so on, but there is nothing legally binding in place. So people's rights cannot be protected under what is being proposed here.
The other issue with it is this decision to excise the whole of the Australian mainland from the Migration Act so that everyone can be punished equally. Instead, the decent thing to have done would have been to repeal the excision of Christmas Island and the rest of the territory that was excised. We should have just got rid of the excision and had the whole of Australia operating under our migration law and our human rights obligations. I feel ashamed that our parliament is stripping human rights out of the migration law. We heard today of the Labor Party's proud tradition in being part of drafting the global human rights convention and I thought how ironic it is that we have a new member of parliament for the Labor Party standing up and saying how proud they are of being part of a tradition that drafted human rights on the very day that the Labor Party is moving to strip out of law human rights that people fought so hard to get a global treaty to implement. And the coalition is standing up there, beating its chest and saying, 'Aren't we marvellous, because we have now got Labor to agree with us and we are going to the bottom of a very rotten barrel.'

In terms of other things that this set of propositions does, there is the issue of permanent, indefinite detention. It is hard to believe in a country where we think we respect the rule of law that we could be saying to people, 'We are going to send you away and you are stuck there indefinitely,' when we know that the last time this happened people ended up with quite severe mental illness as a result of the experience. Patrick McGorry said recently that after six to 12 months people have psychological disturbance from being in detention, yet we are prepared to proactively do that to people. We are saying, 'You might be okay now, but we're going to lock you up and there is a high probability you're going to end up with a mental illness and psychiatric disturbance because of this, and we don't care; that is part of your punishment.' And then what happened, of course, was when it was all found to be so appalling, the taxpayers of Australia have had to pay out compensation for the way people were treated in the Nauru detention centre—and we are doing it again! If we do not learn the lessons of history we are condemned to repeat them, and this Senate is now repeating the lesson of history, which is that Australia's global reputation is now trashed, as it was during the Howard government years.

People around the world are going to be looking at us and saying that Australia wants to be on the United Nations Security Council, it wants to get on a global security council and it has just shown that it has zero respect for the United Nations, for the treaties of the United Nations, particularly when it comes to human rights and refugees, which are central issues pertaining to security and how you respond to security crises around the world. I would be surprised if there were any other civilised countries in the world—and by that I mean countries that respect human rights—that would think it was appropriate to vote for Australia to go onto the Security Council. We have embarrassed ourselves. We have an opportunity in this century—it is the first time ever that Australia has been well located in a global context to take a leadership role. We are an Asian nation. We have so much to offer in terms of leadership, democracy, human rights, decency, a fair go, multiculturalism—all those things we have to offer. We had an opportunity to engage in the region in a leadership role in a regional framework that respects human rights, that underpins the regional framework with human rights. We could have then said, having increased our own intake, 'We will
now ask other countries to assist us to take people,' but we have not.

The government ought to be ashamed. The Greens are standing here pleading with the Senate to think about our nation. What sort of country do we want to live in and how can we have self-respect as Australians if we harden our hearts when people ask us for help?

Senator CAMERON (New South Wales) (18:19): I rise with a heavy heart to speak on this bill. I think it will become clear as I go through my contribution why I say that. The first thing I want to say is that I listened intently to Senator Abetz, who spoke about the Pacific solution. I do not know any expert anywhere in the world who thinks there is some quick solution to the problem of refugees and asylum seekers around the world. There is no quick and easy solution.

I want to state my deep disappointment that the bill that was before the Senate in June failed to pass. In my view, that bill was far from perfect but it provided for a better policy outcome than does this bill. In terms of the humanitarian values that I hold on this issue and the policy outcomes that I would prefer, I believe that this bill is a step backwards from the position that was before us in June. I have already indicated my disappointment with the Greens for what I believe is an immature political position that they adopted in June. As on carbon pricing, this issue their political puritanism and their complete unwillingness to make any compromise on what they call their principles has given us this bill, which is a lesser bill in my view than that which was before us in June. For the Greens, any compromise on their part is an unconscionable backdown that cannot be tolerated. For everyone else, according to the Greens, failure to agree with them is an unconscionable sellout.

As Waleed Aly points out in the current edition of the Monthly, 'The Greens are perfectly capable of shedding crocodile tears when it comes to the human rights of asylum seekers.' When the Greens refused what may ultimately have been a disingenuous offer from the coalition to increase the refugee intake to 20,000 and limit processing times to 12 months, largely reflecting Greens policy, they knocked it back because of their humanitarian concerns about processing on Nauru. As Aly points out, 'Apparently, asylum seekers' human rights must be protected even if it kills them.' Let me just remind the Greens what the UNHCR had to say about the government's arrangement with the government of Malaysia. The UNHCR:

... welcomes the fact that an additional 4000 refugees from Malaysia will obtain a durable solution through resettlement to Australia. The potential to work towards safe and humane options for people other than to use dangerous sea journeys are also positive features of this Arrangement. In addition, the Malaysian Government is in discussions with UNHCR on the registration of refugees and asylum-seekers under the planned Government programme announced in June on the registration of all migrant workers.

The Arrangement and its implementing guidelines contain important protection safeguards, including respect for the principle of non-refoulement; the right to asylum; the principle of family unity and best interests of the child; humane reception conditions including protection against arbitrary detention; ... and the ability to receive education, access to health care, and a right to employment.

That is what the UNHCR had to say about the Malaysian agreement—an approach that provided the basis for a truly regional approach to dealing with asylum seekers but an approach that the Greens were too pure to accept, and they rejected it. And here we are with Nauru and Manus Island staring us in the face because of what I believe was the
political immaturity and the intransigence of
the Greens. But, clearly, the greatest shame
on this issue lies at the feet of the coalition.

We hear much in this place about the
history of political parties. As I have done on
many occasions in my time here, I want to
quote Robert Menzies. In a radio broadcast
on 24 July 1942, Menzies had this to say
about his Liberal creed:

Fear can never be a proper or useful ingredient in
those mutual relations of respect and goodwill
which ought to exist between the elector and the
elected.

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

If there is ever an example about a
disfiguring position in political life it is the
situation that we face now with the
propositions and the fear campaigns being
run by coalition on the issue of refugees and
asylum seekers.

The inflammatory rhetoric of the coalition
is all about fear. It is totally against the
Menzies creed. It is about fear and loathing
for asylum seekers. The inflammatory
rhetoric never misses a beat. The coalition
rail against asylum seekers. The dog whistle
is turned up to full volume. They cast doubt,
without any evidence, on the credentials of
asylum seekers. They insinuate that they
might be terrorists. They fabricate
claims of them throwing children overboard
so that they might be considered unworthy of
coming to this country. They claim that the
very act of boarding a boat is un-Christian.

The cowardice of the coalition was on full
display yesterday in the other place. In his
contribution to the debate on this bill, the
Leader of the Opposition could not help
himself, dragging the debate straight into the
gutter, as he does every single day. If anyone
is responsible for the risible state of political
discourse in this country, it is the Leader of
the Opposition, Mr Abbott. He lives in the
political gutter. He is incapable of lifting
himself out of it.

What sort of political coward, other than
Mr Abbott, would try to distance himself
from the grubby remarks of a shock jock by
repeating them unprompted and completely
out of context in the parliament? That is
what Mr Abbott did yesterday when he
claimed, adopting the old coward's rhetorical
trick, to not endorse the stupid and grubby
remarks of Melbourne shock jock Neil
Mitchell. The best way to repudiate Mitchell
would have been to ignore him. By not
ignoring Mitchell, Mr Abbott effectively
endorsed him by giving him undeserved
prominence.

While ever the likes of Mr Abbott, Mr
Morrison and many of those opposite
continue with the campaign of fear and
loathing they have waged against asylum
seekers for well over a decade, it will be
difficult to crush the lies, to allay the ill-
-founded fears, to promote understanding and
to draw on the better angels of Australians'
nature that should characterise public debate
on this issue. I will not shirk the task of
waging the battle from the other side of the
debate.

Why do refugees seek asylum in
Australia? Why do they do this from all
around the world? I listened to Senator
Abetz, and there was not one mention of the
reasons people are en masse trying to flee
their native country and seek resettlement
and refuge in countries around the world.
The whole underpinning of the reason that people flee their own country was never mentioned. They do it because of racial persecution—something that I am sure the coalition would claim they do not support. They do it because of political persecution. Some of them do it for economic reasons, because they are living in abject poverty with absolutely no hope for themselves or their family into the future. Some of them have suffered famine and they leave because there is famine and they seek refuge from famine. They seek refuge from dictatorships. They seek refuge from tyranny. They seek refuge from war. Yet these people, who are seeking refuge and support around the world, are treated to the dog whistle and the politics of fear from the coalition.

International law recognises that people at risk of persecution have a legal right to flee their country and seek refuge elsewhere. From March this year Australia adopted a complementary protection regime. This allows for protection of people who may not fit the strict definition of a refugee but who, should they be returned to their country of origin, will suffer a real risk of personal harm.

It is appropriate to look at some of the myths that abound in relation to asylum seekers. There is the myth that boat people are queue jumpers. The fact is that in Iraq and Afghanistan there are no queues for people to jump. Australia has no diplomatic representation in these countries and supports the international coalition of nations who continue to oppose these regimes and support sanctions against them. There is no standard refugee process where people wait in line to have their applications considered. Few countries between the Middle East and Australia are signatories to the 1951 Refugee Convention and, as such, asylum seekers are forced to continue to travel to another country to find protection.

That is why I find it bizarre that the Greens are still arguing that there should be no arrangements made with any country unless they actually sign off on the international conventions. I would prefer countries signed off on the international conventions, but that is not likely. So the Greens' position is that we then disenfranchise the majority of nations between here and the Middle East from playing any practical and positive role in a regional approach to dealing with refugees and asylum seekers. I think it is hypocrisy; I think it is stupidity; and I think it is ideological purity gone mad. I think we need to actually deal with some of these issues that we are faced with.

It is no secret that I opposed the proposition for this legislation in the party room. It is public knowledge. I did that because I wanted time to actually read the report, analyse the report and consult on the report with a number of my colleagues and friends, who for years have been supporters of refugees in this country. I wanted to get the view of the refugee groups and I wanted to get the views of the UNHCR. But that was not a position supported by the majority of my colleagues in the party room, and that is why the debate is on here today. And it is a debate that will continue, because there is no solution to the issue of asylum seekers fleeing. I take the view that, if you are fleeing for your life, no amount of deterrents will stop you looking for a safe haven—and I think that is what we have to understand when we try to get a regional approach to refugees put in place.

We heard Senator Abetz laud the so-called Pacific solution. I do agree with the previous speaker, who indicated that there was no
solution. That is true—there was no solution. In fact, 43 per cent of the refugees who went to Nauru were ultimately resettled to Australia, some 27 per cent to New Zealand and, according to refugee groups, they believe that the others who returned to their country of origin, if they had stayed in Nauru, would have been resettled as well. So almost everyone who went to Nauru under the so-called Pacific solution ended up being genuine refugees and ended up being resettled.

The argument from the coalition that we should reintroduce temporary protection visas is, again, another spin, another lie and another deception—a deception to try to place some respect on that outrageous Pacific solution. The former Commonwealth minister for health, a Liberal, Dr Michael Wooldridge, had earlier described as 'deeply flawed and dangerous' the spurious claim that Australia should only be a temporary haven for refugees before they are sent back again when things get better, arguing that creating insecurity and uncertainty, as these views undoubtedly do, is one of the most dangerous ways to add to the harm that torturers do.

Out of the mouths of Liberals comes the truth—courageous Liberals; Liberals that were not prepared to accept the rhetoric and spin, and lies and misinformation that the coalition claim as their Pacific policy. It is clear that turn-backs will not work. It is okay for Senator Abetz to cherry-pick some aspects of the report, but the report clearly says that things have changed since the turn-back situation. Paragraph 3.78 on page 54 of the report says:

Circumstances have changed since the limited number of turn-backs of irregular vessels carrying asylum seekers in Australia over a decade ago. The legal context has changed. The attitudes of many regional governments have evolved ...

And I could go on. The argument that you can turn the boats around without legal consequences, without safety consequences and without getting agreement from the nation that you are trying to turn the boats around to is exposed and destroyed in this report. Far from endorsing turn-backs, this report says you cannot do it. And yet we still have the lies and the rhetoric and the misinformation being peddled by the coalition to try and say that you can turn boats around, when the experts clearly say you cannot do it.

In my view, it is time for the Greens to get rid of their ideological purity and to start behaving like a mature political party. It is time for the coalition to stop lying to the Australian public, to stop misrepresenting and vilifying and demonising people who are in genuine plight and who are looking for refuge in this country. It is time we lifted the standards in this country. If we had done so earlier, we may not have needed Nauru and Manus Island; we could have had a decent policy in this country. (Time expired)

Senator CASH (Western Australia) (18:39): I too rise to speak on the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012. I would like to put the debate today into context. This is a government that has performed what is now going to be recognised as one of the greatest political backflips of all time. This is a government that for the last four years has claimed to the people of Australia and to the coalition that offshore processing on Nauru will not work. This is a government that, just six short weeks ago, condemned the opposition for wanting to include Nauru as an offshore processing centre. This is a government that was prepared to do absolutely nothing at all on border protection rather than concede that Nauru should be reopened to house asylum seekers. This is a government whose then
Minister for Immigration and Citizenship, Senator Chris Evans, said on 17 November 2008 in an address to the Refugee Council of Australia:

Labor committed to abolishing the Pacific Solution and this was one the first things the Rudd Labor Government did on taking office. It was also one of my greatest pleasures in politics. Neither humane nor fair, the Pacific Solution was also ineffective and wasteful.

The minister arrogantly reconfirmed those words yesterday in question time, in answer to a question from Senator Abetz. Jump forward to today, 15 August 2012, and what are we faced with as a parliament? What is the Australian public faced with by way of policy? After four years of Labor telling the coalition and the people of Australia that Nauru would not work, and that the Pacific solution was neither humane nor fair and that it was ineffective and wasteful, on Monday, former Air Chief Marshal Angus Houston—the man hand-picked by the current Gillard Labor government to advise them on border protection, because Labor had abrogated their policy-making responsibility in this area—said that Nauru will work.

Policy failure, denial, inconsistency and inaction had frozen the government's decision-making ability and rendered this Labor government so incapable that it had to turn to an independent panel to solve its border protection debacle. The coalition has been telling the government for years, based on the evidence, that Labor's border protection policies have failed. We have repeatedly told the government that Labor's policy has developed a business model for the criminal smugglers; that it has created opportunities for those smugglers to make huge profits by putting desperate people on boats and sending them out to sea. And indeed, Air Chief Marshal Houston's expert panel has confirmed that pull factors created by Labor's policies were significantly responsible for the resumption of the people smugglers' criminal activities after the abolition of the Howard government's policies.

Air Chief Marshal Houston's expert panel report is without a doubt the most devastating critique that has ever been made of government policy in this country. And I remind Australians that this is not a coalition report; this was not a coalition panel. This is a government report. The government asked for it, the government received it and the government now owns it. This was an expert panel that was hand-picked by Ms Gillard herself. The government—and Ms Gillard—wrote the terms of reference for the committee. The government—and Ms Gillard—then charged the committee with its inquiry. And now the government has the findings of the expert panel. The fact is, as much as those on the other side want to discount this, the findings of the expert panel substantially endorse the coalition's approach to stopping the boats.

For years now, the Labor government has been telling the people of Australia that you cannot turn back the boats. Angus Houston and the expert panel say that you can. Indeed, on page 53 of the Report of the Expert Panel on Asylum Seekers, at paragraph 3.77, it states:

Turning back irregular maritime vessels carrying asylum seekers to Australia can be operationally achieved and can constitute an effective disincentive to such ventures … The expert panel made a total of 22 recommendations. Those recommendations included that offshore processing in Nauru and on Manus Island at Papua New Guinea be established as soon as practicable. Offshore processing has always been the coalition's policy. The expert panel also recommended the prohibiting of family reunion through Australia's humanitarian program for people arriving by boat, instead
making boat arrivals apply for family reunion through the family stream of the migration program. Again, this is in the spirit of temporary protection visas, which are coalition policy.

The expert panel also recommended making a potentially deadly voyage across open seas in a leaky boat.

The last four years have seen one of the greatest policy failures of this government. The reason we say that is that the Labor government, when they assumed office, were handed a solution in the form of the Howard government's border protection policies and, when elected, they deliberately and wilfully set out to dismantle those policies. The result of this deliberate and wilful dismantling of what were proven border protection policies and what had achieved the results that the government is telling the people of Australia it wants to achieve today with its border protection policies is this: the arrival of 389 boats, carrying 22,718 asylum seekers. If you want further confirmation of the extent of the policy failure that this government has wreaked upon this portfolio area, it is that the number of boats under Prime Minister Gillard alone has exceeded the number of boats and the number of people who arrived in the 11 years of the Howard government.

I remind senators that it was back on 13 July 2010 that the Leader of the Opposition, Mr Abbott, first said to Labor members that they should advise the Prime Minister to pick up the phone to the President of Nauru. Twenty-three times before the last election the Leader of the Opposition, Mr Abbott, said that, if the government were serious about stopping the boats, the Prime Minister should pick up the phone to the President of Nauru. History now records, however, that the Prime Minister refused to do that. She refused to do that before the election. She refused to do that after the election. She refused to do it when the High Court ruled the Malaysia solution invalid. She refused to do it in January of this year after discussions between the coalition and the government. And the Prime Minister refused to do it just six weeks ago. On 106 occasions Mr Abbott has respectfully urged the Prime Minister to pick up the phone to the President of Nauru. If only she had not refused, we may have been able to save desperate people from making a potentially deadly voyage across open seas in a leaky boat.
incompetent Labor government. They have failed Australians when it comes to border protection, and it is the Australian taxpayer who has to clean up Labor's mess.

The government should also apologise for offering a business model to the people smugglers, who have by their criminal actions caused untold suffering to the families of the over 1,000 people who lost their lives at sea attempting to make the dangerous journey to Australia by boat. The sad reality is that none of this waste, none of this mismanagement and none of this loss of life need ever have occurred. Why? Because we gave the Labor government the solution when they were elected in November 2007.

We gave them the greatest gift that can ever be given to a political party in this country. We solved Australia's border protection problems.

The coalition is on the record as always supporting offshore processing at Nauru and at Manus Island. That was our policy and it continues to be our policy. To those on the other side who want to say that this is Nauru mark II, you are incorrect. You are adopting the coalition's policy in this regard. For those on the other side who want to say that there was razor wire on Nauru under the coalition government, that is just blatantly wrong. For those who want to say that the IOM is now involved under Labor, well, guess what? The IOM was also involved when the coalition was in power and was operating Nauru.

There is one fundamental difference though between what the coalition did and what the Labor Party, by this bill, are proposing, and that is the issue of indefinite detention. Whilst this Labor policy is supported by the coalition, we do acknowledge that asylum seekers may end up being in indefinite detention on Nauru. They were never indefinitely detained under coalition policy. Under the Houston report and under this legislation, they may well be indefinitely detained by this government.

Australians can only imagine what might have not occurred had the government not unwound the coalition government's proven border protection policies. The Labor Party could not help themselves. Even as late as 27 June this year, Minister Bowen was on the record as stating:

The Opposition says … that a detention centre on Nauru would work as a disincentive. We disagree …

Then on 28 June 2012, the minister said:

It has been a matter of record in this House that Nauru, a Christmas Island style detention centre further away, will not break the people smugglers' business model.

We have now done a full circle. An expert panel had to be commissioned by a government that lacked the political will and the political judgment to take the necessary steps and make the hard decisions in this portfolio area—decisions that the Howard government took when they were faced with a very similar situation in the early 2000s. The government now have the expert panel's report that effectively endorses the coalition's policy on border protection.

The Houston report has given the green light to Nauru and it has given the red light to Malaysia. In relation to Malaysia, the expert report panel made it clear that Malaysia, as proposed by the government, does not have sufficient protections. The Houston panel said that very, very clearly: the Malaysian people-swap protections under Labor do not measure up. It is something that the expert panel has said. It is something that the High Court has said. And it is something that the coalition have consistently said and that is why at all times we have opposed the government's Malaysian people-swap deal.

Australians have to wonder why we are debating this legislation today when we
could have been debating it years ago. Australians have to wonder why the government over the last four years have consistently pretended that Nauru would not work. Why did the government invent and propagate the wild and indeed false claims that Nauru would cost billions? Why the stubbornness that has now done so much damage to Australia? Too much has been lost over the past four years and Australians are right to continue to question the disastrous judgement of a Prime Minister who continually gets it so wrong.

Today, the shadow minister for immigration has written to Minister Bowen on the costings for Nauru. We undertook to examine the costings for Nauru and our costings come in considerably lower than those of the government's. Today, we have written to the government and shown them how we believe that Nauru should be developed. We will be watching the government very, very closely as to how they spend taxpayers' money in this regard. They did not heed us in relation to what we have been saying about Nauru over the last four years and they have been proven wrong. Please do not now disregard the evidence of our costings again because of sheer stubbornness. If they can properly implement Nauru based on the Nauru costings that the coalition have, I would advocate to them to take on this advice.

The coalition's policies on border protection have been proven to work. Ms Gillard has been proven to be wrong about Nauru. She continues to be proven to be wrong when it comes to temporary protection visas and turning back the boats. In supporting this legislation, the coalition have made it very, very clear to the government that we support this legislation, but it is only one step forward under a three-pronged approach. They will not get the Howard government results if they do not fully implement the Howard government's policies.

On the implementation, the coalition know that if the Labor Party, to appease its own left wing, turn Nauru into a perceived soft option, the people smugglers will continue to recognise Labor's lack of genuine commitment. The people smugglers' business model will not be broken and they will continue their criminal activities, and the boats will continue to arrive. In government, the coalition will ensure that the management of offshore processing on Nauru is appropriate to protect the rights of asylum seekers, but we will not allow Nauru to be seen by the people smugglers as a soft option.

As a member of the coalition, I welcome the government's monumental backflip in relation to border protection policy and the fact that they have finally decided to agree with Nauru as an offshore processing destination and Manus Island as an offshore processing destination, and adopt what has proven to be good coalition policy. Whilst the coalition support the legislation today, I remind those on the other side that we in no way step back from our policies and our commitment to the Australian public that, if and when we are elected, we will reintroduce temporary protection visas and we will turn back the boats where it is safe to do so. These are the policies that worked under Mr Howard and these are the policies that will work again.

These proven policies were not introduced in the last six weeks; they are the result of more than 10 years of successful implementation and continual refinement under a government that took its role and responsibility in relation to border protection very seriously, and those policies will be reinstated by a future coalition government. The coalition have been consistent on border
protection and the Australian public acknowledge that and they know that. They trust us when it comes to protecting Australia's borders.

The contrast they have is this: a Labor government that has held every position under the sun when it comes to protecting Australian borders. The Australian people simply cannot trust Labor. Australia is only in the mess it is in today because Labor, when it was given a solution, took deliberate and wilful steps to create a problem. History now records what has been the result of that problem, and Labor has adopted failed policy after failed policy in a pathetic attempt to clean up their tragic mess. (Time expired)

Senator DI NATALE (Victoria) (18:59): I am deeply saddened to be speaking today to oppose this Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012 because I believe that we, the parliament of Australia, are making a grave mistake—a mistake that generations to come will find very difficult to understand. I do know that this is a tough decision and I do know that there are no easy answers. The movement of people fleeing persecution and seeking protection in foreign lands is a problem that has occurred for many centuries; it is a problem that has escalated in recent decades; and it is an issue that is far beyond the power of this parliament to resolve.

I also know that there are many good people in this place who have wrestled with their conscience, who have listened to the arguments and have formed the view that punishment is necessary because they believe it acts as a deterrent to others and, in doing so, might prevent deaths. They are wrong, but they are driven by good intentions.

I do fear, however, that there are also many others in this place who believe that punishment is necessary, not because they have ever believed that refugees have a right to seek our protection or that we as a wealthy domestic sanctuary should provide protection to these people. We have in this country a long and sometimes deeply shameful history when it comes to race and it is hard for me to escape the fact that race is one part of the equation when it comes to immigration policy. 'We decide who comes to this country and the circumstances in which they come' has nothing to do with concern for the most vulnerable people on this planet and everything to do with the sorts of cold-hearted and sometimes racist attitudes that have driven this debate for more than a decade.

As a young doctor I learned about the Hippocratic oath, the key tenet of which is: first do no harm. This piece of legislation violates that key principle. We hear much about 'deterrence'. That has become the word around which this debate has been framed, but let us call it what it is. What we are really saying is that it is acceptable to inflict punishment, to inflict suffering, to inflict misery on one group of people in an effort to try and change the behaviour of another group of people. That violates that key principle, the principle I have always held dear: first do no harm.

If what we were being asked to do today was to turn our backs on people who need our protection, that in and of itself would be bad enough. But we are not only being asked to do that; we are being asked to actively inflict more pain and suffering on the lives of some of the most vulnerable people on this planet. Imagine at the age of 16 being on the Pakistan-Afghanistan border and watching your family being removed from a bus and being shot before your eyes. Imagine returning home and being told: 'You're next.' Imagine then fleeing your culture, your traditions, your language, your friends and
family, arriving in a foreign country, finding your way across the seas in a perilous journey and then being told that you will be imprisoned, detained, with no prospect of your claim being assessed and processed in a timely way and not knowing what your future holds. That is what we are being asked to vote on today with this bill. That alone is cause not to support it. But there is evidence that that sort of punishment, as severe and as harsh as it may be, will not work, will not stop people from seeking sanctuary in this country and may in fact make their suffering and the suffering of others worse.

This is a debate that has been based on assertion, not evidence. We now are in an era of post-truth politics, where if you say something often enough and for long enough it becomes the truth—and so it is with the mantra 'We stopped the boats.' There is good evidence that there were a number of factors outside of the control of the Australian government that resulted in the changes in boat arrivals to this country. In fact, we saw one of the greatest tragedies in Australian waters in our history with the sinking of the SIEVX well after many of the harshest elements of the Pacific solution were introduced. This is a case of correlation, not causality. Some people in the opposition need a lesson in the distinction between correlation and causality. Just because something happens while you are in government does not mean that you are responsible for it.

Of course, there is the question of whether the practical nature of the solution put in front of us will stop people from coming here. We have already heard accounts from people waiting in places such as Malaysia and Indonesia who have told us that this will not change their decision because the alternative is something they simply cannot contemplate. Think about that. You are fleeing a situation where you face near certain death, you are sitting in limbo where you have no access to education or health care, no prospect of seeing your family, the potential for imprisonment and the potential that already exists of dying at sea, and a change that says, 'We will process you and if that claim is successful then at some point you will be welcomed into Australia.' Why would you choose not to make that trip?

Perhaps more concerning is the evidence that was presented to us that in fact it may make matters worse, that in some instances, in a small number of cases where people's behaviour may change, they may choose to take a riskier journey. We have heard evidence now of trips to New Zealand. We know that parts of the Tamil community are arriving in Canada. We know that simply because people do not drown in Australian waters does not diminish the fact that they drown and die elsewhere. If it results in simply an outsourcing of the misery and suffering occurring in Australian waters, then surely that is not a reason to pursue this policy.

I heard from Senator Cameron earlier about his response to the Greens' position. I will not respond in detail to his comments. I know that his words, like many others in his position, come from a place of anger. I can only imagine what it would be like to spend a good part of your life arguing against a policy, then to argue within your own party for taking some time to reflect and think about whether this is the best course of action for the nation, only to be denied and, worse still, to be forced to come to this place and defend that legislation. His anger is understandable.

Much has been spoken about compromise. I heard that quite a lot from Senator Cameron. Compromise is an interesting notion when it comes to a debate like this. It somehow implies that the truth lies between
two political viewpoints, that the right thing to do lies between two political decisions. The truth is that the right thing to do, the moral thing to do, has no relationship whatsoever with the views of what one part of politics might say or what the other side of politics might say. The truth is independent of what we say in this place, and in fact in some instances compromise means no more and no less than a betrayal of the things that we believe in. So I know that that has been the mantra from some people within the Labor Party and within the opposition and, indeed, from within the media, but I say to them that compromise means nothing if it achieves an outcome that results in more pain, more suffering and more misery for some of our most vulnerable members of the community.

I too, like Senator Cameron, wanted to take some time to reflect on what other groups might have said about this position. I was fortunate enough to be in a cross-party meeting where we heard presentations from a number of people and a number of groups, groups like Amnesty International, the Human Rights Commission, academics and others. We have subsequently heard from groups like the ACTU, the Uniting Church and a number of other people working within this area of public policy. What has become clear is that they believe that we as a nation are making a grave mistake. We have heard much about the Houston report and the expert panel, but let us not forget that that panel ignored many of the submissions made by groups like Amnesty and others that recommended that we take a different path. They too are experts and I listen to what they have to say.

I have also heard a lot of talk about the notion of finding a solution to this problem. We need to ask ourselves: who is this solution for? Are we trying to solve a political problem or are we trying to solve an issue that affects the lives of refugees? What I have not heard is people asking refugees and asylum seekers themselves what is in their interest. Many of us purport to act in their interest—well, if we are doing that why not ask what is in their interest? We do not do that because the answer provides us with an uncomfortable truth. They do not want us to go down this path. The reality is that this is a solution to what is a domestic political problem and what we have got here is a political response, a political solution.

I know that this is a tough decision for many people in this place. I understand that. But I do fear what will come as a result of the action that we are taking here today: the memories of people protesting in detention centres in far-flung places, the memories of young children scared by their experiences in long-term detention. I fear that what we are seeing here is not a solution but in fact the creation of a terrible, terrible problem. I do understand that many people in this place are genuinely torn. I do understand that people have wrestled with their conscience. I do understand that. But we need to understand that as a rich and wealthy nation, being able to offer protection is a sign of strength and not weakness, that being able to offer a helping hand rather than turning our back, is a principle by which we should all live our lives. We should be motivated to do what is right, not what is politically expedient. And we should be motivated to compromise only when compromise brings us closer to that aim, not when it means that we can sweep a very, very difficult and genuinely discomfiting debate from the pages of the newspapers.

In closing, I believe that we as a nation are making a tremendous mistake. I think that what we must do now is everything we can to ensure that this piece of legislation is improved. It is why the Greens have an amendment that puts a time line on the time...
that will be spent in mandatory detention. The thought of a young 12-year-old going to Nauru and returning from that place as an adult is one that is, for me, far too difficult to contemplate. I hope that we can look at that amendment and at least make a bad piece of legislation slightly better. I do hope that we are not here again in the lead-up to another election campaign, trying to defend the indefensible.

**Senator NASH** (New South Wales—Deputy Leader of The Nationals in the Senate) (19:15): I too rise to speak on the Migration Legislation Amendment (Regional Processing and Other Measures) Bill 2012. I do not think that there is anybody in this place who does not react to tragic loss of life, and we certainly have seen that. I think it has affected everybody in this place and, certainly, people right across the nation. There is no doubt that this is a very, very difficult issue.

But I think what has been so concerning for the Australian people is the inability of this Labor government to do anything about it to date. That has really concerned people. People I talk to—mostly across regional areas, where I spend most of my time—have been so concerned with the government's complete inability to deal with the issue. It has affected a lot of people, and certainly they have had no confidence that the government has been able to do anything to try and deal with this issue.

Let us not forget: when we were in office this situation had all but been resolved. When the coalition left office there was a handful of people in detention. We had policies in place that had acted as a deterrent for the people smugglers, that significantly slowed down the boats and, indeed, it left us with a handful of people in detention. This is the important point that many people have not raised and which has been missed over the last few years, I think. It is the fact that the Labor government chose to change that policy. They chose to change the policy that had been working to stop the tide, to stop the flow of the boats coming to the country. We need to recognise that it was this Labor government that made that change.

We have seen in recent times a lot of focus and a lot of spotlight being put on the coalition—to date, from previous times until now—that we would not compromise and that we would not agree with what the government wanted to do, and it was all the coalition's fault that there could not be any kind of resolution to this issue when it came to things like the Malaysian solution. But if the government had never changed the policies in the first place we would not have been in that position. It was not the coalition's fault that the government's policy in this area simply was not working. We were not going to sign up to a plan with a country that was not a signatory to the international refugee conventions. We were not going to do that, and I think that was absolutely the right thing to do.

I think there was probably a lot of headshaking across the nation today and yesterday when we saw the change from the government in this policy. And we are supporting it—there is no doubt about that. It very much reflects what the coalition had in place. But the headshaking I refer to is the utter confusion and dismay from the Australian people that the Labor government and the Prime Minister, Julia Gillard, were so stubborn that they refused to change the policy to a policy that was going to work simply because of their stubbornness. One of my colleagues in the other place—indeed, it was the shadow foreign minister—last night referred to the fact that the government was stupid. I think she was absolutely correct because the definition of stupidity is doing
things the same way and expecting a different outcome. That is exactly what the government has done over the last period of years. They kept doing things the same; they refused to change to the policy that had been proven to work, and now it has been put forward by the Houston report that it will work—what they see will work. I think the Australian people are absolutely dismayed that it has taken this long—for the government to bring in legislation to this place, under good advice, that will work and that will do the right thing by all those people. It will act as a deterrent, reflecting the coalition policy and what we have been asking the government to do for the last four years.

Debate interrupted.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Fawcett): Order! I propose the question:

That the Senate do now adjourn.

Australian National Internship Program

Senator GALLACHER (South Australia) (19:20): I rise tonight to speak about a program at the Australian National University which offers students from Australia and indeed around the world an opportunity to come to Canberra and partake of an internship. Internships are available in the ACT Legislative Assembly, or a number of government or non-government organisations. One very popular option for students who are seeking to do an internship placement in Canberra is in this Parliament House. Members of parliament and senators are encouraged to take on interns, who are eager to learn and want to impress and work in a professional working environment.

I certainly found that to be the case with Marisa Diaz, the intern who worked in my office earlier this year. Marisa is a student of political science at the Northeastern University in Boston Massachusetts, and was interested in doing an internship that was relevant to her studies. She expressed to her university that she had an interest in doing an internship in an overseas government, and they gave her the choice of the governments of Australia, Ireland or England. Marisa was most interested in coming to Australia so her next step was to apply to the Australian National University's internship program, where she was able to say that her preference was to work for a senator or a member of parliament.

Once Marissa had been accepted into the Australian National Internship Program and began to work for me as an intern I was able to nominate a topic of my choice for her to research. Obviously, this topic became her research project. Her final grade for the internship will be determined after she is assessed for a research paper on the topic given to her, along with a complementary presentation and a follow-up reflective essay. The research project topic that was given to her was the Murray-Darling Basin. Specifically, she looked into water resource distribution amongst Murray-Darling Basin states based on their population and the governance of water in the Murray-Darling Basin.

In total Marisa worked for 11 weeks from the parliamentary office, beginning her project in late February and completing it at the end of May. Working out of the parliamentary office in Canberra meant that she was able to use the fantastic resources made available to her at Parliament House to assist her in finding the information that she needed. It is best to hear from Marisa in her own words how it felt to work out of Parliament House. She said of the experience: 'As the political base of Australia I have truly been in my element surrounded
by others with my same interests. Working in Parliament House has also been an amazing opportunity. To have access to the people and resources that help to run this country has been truly amazing.'

We are currently awaiting word from Marisa regarding her final grade. The written report she was required to submit at the end of her internship is a major component of the assessment, weighing in at 80 per cent of her final grade. The research paper will be assessed by at least two academics. In some cases there is a need for a third assessor. The formal presentation component of her grade is worth the remaining 20 per cent. The spoken presentation was required to last up to 25 minutes, and in that time she had to summarise the key findings of her research report. The presentation is to complement the written research paper. At the conclusion of the formal presentation, there was a question and answer session in which the assessors asked questions relating to the report. She was marked not only for her presentation but also on how well she managed to answer the questions that she faced from the assessors. The third and final component of the internship program is a requirement for the student to produce a reflective essay at the completion of the internship. This compulsory essay is an essential yet non-marked component of the program.

From what I was able to witness of Marisa's internship it was clear to me that she was gaining invaluable experience working from an office in Parliament House. She was not the only one to gain from the experience of the internship. I was able to benefit from the information that she was producing from the research paper and I was also able to use that information to gain a better understanding of a topic that is very near and dear to any South Australian senator's heart. I believe that as senators and members of parliament we need to encourage young people to take an interest in politics. One way of doing that is certainly by continuing to support and encourage such programs as the Australian National Internships Program, which provide real life experiences to young people. Marisa's work ethic was impressive, and one of the things I found to be invaluable about the internship was that she came to the position with a fresh new perspective and was looking at the topic with a fresh set of ideas. Any program capable of producing that is worth taking on.

To be eligible, a student must be enrolled as a tertiary student in a university in Australia or overseas. Excellent written and spoken English skills are also a requirement for the applicants. Once accepted, students are then required to enrol into the ANU, where they remain enrolled for the duration of the internship. Internships are offered in semester 1 from late February to June and in semester 2 from July to October. Depending on individual circumstances and which level of study a student is currently at, students are eligible for either a part-time or a full-time placement. Students who land a part-time placement are also required to take a class at the ANU. Students are charged tuition fees. Overseas students need to discuss their fees with the relevant contacts at their universities, while Australian students pay HECS fees.

International students who secure an internship position through the ANU are able to take on paid employment during the period of their internship should they desire to do so. They can work up to 20 hours per week during school terms and have the option of increasing those hours to full time during any breaks from school. In Marisa's case she was fortunate enough to have the financial support of her parents during her internship and did not need to seek paid employment for that time. This enabled her to focus more on her internship research.
Marisa enjoyed her time in Canberra and she enjoyed learning about Australia's political system firsthand. She said that she was looking forward to applying her knowledge of the Australian political system to her study of the American political system when she returned home to the US. Overall, Marisa sees that internships like hers can be beneficial to both the student and the senator or MP who takes them on. She believes all senators and MPs should take an intern on at some point during the year. She said: 'It is a great opportunity both for the intern to learn about the real work that goes on in parliament, but also for the senators and MPs to receive the input of a fresh young mind at little to no cost. It is an excellent experience and a wonderful resume builder.' Marisa is eagerly anticipating the results of her internship and is hoping for a high distinction. I certainly found the whole internship process to be an interesting one in which I could see the benefits to all involved. I too, would encourage other senators and MPs to give the experience a go.

**Marine Sanctuaries**

Senator BOYCE (Queensland) (19:28): I want to speak today about a matter that is causing great concern up and down the coast of Queensland. The Gillard government currently has a proposal which increases the number of marine reserves from 27 to 60. If this proposal succeeds, I believe it will go down as one of the worst decisions that this Australian government has ever made in terms of our resources. The proposal has absolutely nothing to do with conserving our oceans, as we already lead the world in ocean and fishing management—and fishing is essentially all that we manage. The real threats to our oceans and the fish in them, such as pollution and introduced organisms, are being completely and apparently deliberately ignored by this government. Yet it is claimed by the government that it is creating protected areas.

The Australian public are being deceived. The quality of Australian fisheries is recognised as amongst the healthiest and best managed in the world. Australia, in fact, ranks fourth in the world on the UN Code of Conduct for Responsible Fisheries after Norway, the USA and Canada. The Australian Fisheries Management Authority has demonstrated that Australian fisheries have been consistently ranked among the world's best in independent reports by international experts in peer reviewed journals. The Australian Marine Conservation Society, which is behind the push to make the Coral Sea a no-go zone, has conceded that the Coral Sea has not had any impacts from commercial fishing. I have spoken to numerous scientists on this issue—as have many of my colleagues representing Queensland electorates—and they are concerned that large areas are being locked up for the wrong reasons. Fishing is not having a significant impact on our oceans, yet the Australian government wants to lock fishers out of our waters.

It is a very serious matter that the government is prepared to ruin the fishing industry, cut off a vital food source, compromise our oceans and make wild-caught fish a thing of the past just so it can appease the green groups that keep it in government. All of this is in the name of alleged marine protection—which, of course, it is not.

Australia already imports between 72 and 75 per cent of its fish even though we have the world's third-largest fishing zone. That is after the United States and France. But we rank 61st in fisheries production. Let us look at that: the third-biggest fishing zone but the
61st-largest number of fish products. The current government is not interested in the slightest in encouraging sustainable use of what is a completely renewable and vital resource. It is, in fact, actively discouraging it.

If this proposal goes ahead, 77.6 per cent of east coast Queensland waters will be in marine parks. That is almost eight times the international benchmark of 10 per cent. More Queensland waters will be locked up in marine park areas than anywhere else in the world. The Coral Sea will become a no-go zone. We are talking about an area that covers approximately 989,842 square kilometres—more than half the size of the state of Queensland. Just imagine what would be said if Minister Burke were proposing locking up half of Queensland’s farming areas. What would that do to our food source and, more importantly, to future production of food?

Without the Coral Sea Australia will never be internationally competitive in tuna fishing, and yet the world’s biggest fishery is right at our doorstep. We have gifted our share of the Coral Sea’s highly migratory tuna resources to other nations including Korea, China, New Caledonia, Papua New Guinea and the Solomon Islands and indirectly to the US and Japan, who have licensing agreements with those countries. They will be fishing for tuna; we will not.

We will be gifting our share of the world’s biggest fisheries to everybody else who wants to come fish in the Western Pacific, guaranteeing other countries a market to sell fish back to us. We will not ever have a significant tuna fishery, so we will have to import it forever. Canned tuna is already our biggest fish import. Other countries will be permitted to fish in their part of the Coral Sea, but for Australians it will be a no-go zone. This is despite the fact that we have one of the best managed and most sustainable fishing industries in the world. If the proposal goes ahead, it will put hundreds of fishers out of business, making us reliant on imported seafood, again with the irony that that seafood is caught by fishing industries that do not have the same strict rules as we impose. We already import between 72 and 75 per cent of our seafood, and this figure will increase if the proposal proceeds.

Australia wants fresh wild-caught fish from well-regulated fisheries, not from fisheries that do not meet the same green credentials as Australia’s. It is Australian consumers who in the end will pay the price along with every fishing related business in the country. The environment minister has said that this proposal is pushing the envelope; it sure is, but it is not pushing it in any favourable way. He is sealing the fate of people in the fishing and tourism industry right up and down the Queensland coast. This proposal will have a huge negative effect on Australian consumers, recreational and commercial fishers, fish wholesalers, retailers and exporters, fishing and charter businesses, pleasure boats, bait and tackle outlets, slipways, marine engine and marine trades and services—and that is before we even start to talk about the effect it will have on the fishing related tourism business and on the communities up and down the Queensland coast that depend on these industries to stay in business.

The Australian government makes all sorts of arguments about going ahead with this proposal, but Australians should let the facts speak for themselves. No amount of spin from this government and the self-serving, often not peer reviewed research from groups that stand to benefit from this proposal can deny that our fisheries are in great shape and it is not fishing that is harming our waters. The government’s own
official reports confirm this. I want to stress the point that Australian fishers have gone to a great deal of trouble to keep their green credentials by using demonstrably sustainable fishing methods. We are world leaders in sustainability, and because of this the government is apparently proposing to lock us out of our own waters. The reason the government is doing this, of course, is to keep the Greens happy so they can stay in business.

Minister Bourke must explain why he is prepared to ruin the fishing industry and so many ancillary businesses that rely on the fishing industry. He must explain why he is compromising the world's oceans because Australia will have no choice but to import fish from countries with less sustainable fishing practices.

I urge all Australians who want to protect our oceans, who want to have a fishing industry and who eat Australian wild-caught seafood to hold the government to account. The proposed network has absolutely nothing to do with science but everything to do with politically appeasing the Greens and the major groups which keep Labor in power. This proposal will be a disaster and I warn the Labor government, and Minister Bourke, that it will cost them votes at the next election. My colleague, Mr Warren Entsch, tells me that he has collected over 6,000 signatures on a petition. In Port Douglas, 1,500 people out of a community of 4,000 have signed that petition—that is the level of concern they have about the issue. I urge anyone listening to join myself, Senator Boswell and Ms Gambaro for a boat rally at Sinbad Street, Cabbage Tree Creek at Shorncliffe at 10:30 this Sunday morning.

(Time expired)

Education Funding

Senator WRIGHT (South Australia) (19:38): I rise tonight to speak on something that is very close to my heart, something which, more importantly, is of vital significance to Australia's future: to our prosperity, our social cohesion and our environmental sustainability. In fact, it is something that is vital to our entire wellbeing as a nation. I am talking tonight about education.

I am a product of Australia's public education system and I will always be proud of and grateful for the good education I received at the hands of dedicated teachers in the 1960s and 1970s. Thanks to their good work I had a chance to delight in learning and to achieve my best. They encouraged me, piqued my curiosity, taught me to question and debate, and introduced me to the joy of ideas. My education grew me and equipped me to participate in life and make a contribution.

I fundamentally believe that every child should have the chance to experience the same educational opportunities that I had, no matter who they are or where they live. It is the right of all children to have the opportunity to access high-quality and affordable education, and for parents to be able to expect as much. In this, one of the wealthiest countries in the world, this is a right which is unquestionable. The public system is the only guarantee of this basic right because it is only when we have a quality school accessible to every child in every neighbourhood, wherever they live and whatever their circumstances, that we will have a real choice in Australia.

Universal, quality public education is crucial for a fair and thriving society. We are living at a time when the gap between rich and poor in Australia is becoming wider, and we know that people's destinies are often now determined by where they live—by their postcode. And so it is that quality education has never been so important as
now. It can be a lifeline to allow all kids to have the opportunity to achieve their full potential and become the best they can be. Universal, quality public education can also be a unifying force for a community because it fosters social connection and understanding by bringing together children who may otherwise always move in different orbits. The Gonski review of schools funding has now shone a bright spotlight on the Australian education system and has found a regime that is seriously in need of reform.

Australia has had a proud record on education and for many years we were up there with the best. But, over the last decade in particular, our performance has seriously slipped. Student levels of achievement at both the top and bottom end have declined. In 2000, according to an assessment by PISA, the Program for International Student Assessment, only one country outperformed Australia in reading and scientific literacy and only two in mathematical literacy. By 2009, six countries outperformed us in reading and scientific literacy and 12 in mathematical literacy. Even more alarming is the evidence of entrenched inequality and disadvantage in our system, which is becoming increasingly obvious in our public schools.

Australian public schools and their committed teachers are doing their best to deliver a good education to their students and there are many stand-out schools with wonderful records; but the stark reality is they are doing so in increasingly strained circumstances and we must acknowledge this. The Gonski review has found that there is an increasing performance gap between our top-performing and bottom-performing students which is far greater than that of many of our peers in other OECD countries. It is not just explicable by ability—and that is the tragedy.

According to Dr Ken Boston, a Gonski panel member, there is a staggering—and I say shameful—difference of five-and-a-half years of schooling between the top and bottom 20 per cent of students in Australia by the time they reach year 9. The evidence is that this is not about inherent ability but about opportunity. How can we live with that situation in Australia? It is linked to children's backgrounds and circumstances. There is an unacceptable and unfair link between low levels of achievement and educational disadvantage in Australia—far greater than that of many of our peers in other OECD countries. The playing field is seriously skewed and the Gonski report has made far-reaching recommendations to fix this. The reality is that our public schools educate the lion's share of students with higher needs. We cannot continue with a system where the differences in educational outcomes are determined by differences in socioeconomic, geographic or other social determinants.

We can fix this. Two-thirds of Australia's students attend government schools—two-thirds—including 80 per cent of students with a disability or special needs, 85 per cent of Indigenous students and 77 per cent of children from low-income families. So we must ensure that these schools are adequately resourced, valued and funded to provide the education these children need. As the Gonski review stated—and it is hard to argue with this—one of the key goals of our education system should be for Australia to aspire to have a school system that is among the best in the world for its quality and equity. Why do we deserve any less? We must prioritise support for our lowest performing students.

Every child should have access to the best possible education regardless of where they live, the income of their family or the school they attend. However, this possibility has been hampered for some time by the
continuing underinvestment in Australia's public education system, which has put serious strain on our schools and their teachers and students. There is no doubt that Australia is currently underfunding education. We can judge a society's values by what it is prepared to pay for. Australia is currently ranked 24 out of 30 on the OECD scale of public investment in schools. At one of the richest times in our history, in the middle of a mining boom, our governments spend three per cent of our GDP on schools. This is below the OECD average of 3.5 per cent and far behind the gold standard of nations like Iceland, Norway and Denmark, and their school performances reflect this reality. It has been estimated that to reach the OECD average, it would take $7 billion of additional investment. If we as a society truly value education, there is no way around it: we must properly fund and resource our public education system. And here we are on the brink of being able to make things right.

The Gonski review presents the first opportunity in more than three decades to fundamentally reform the way we approach education in this country in the interests of all students, whatever their background or financial circumstances. Gonski offers equality of opportunity, not equality of outcomes, because we know that children of different abilities will be able to achieve different things, but we also know that the current results do not reflect inherent abilities but reflect socioeconomic disadvantage and other factors like disability, the language spoken at home, whether children are from an Indigenous background and how far they live from a capital city.

The Gonski review provides a plan that links school funding to need and recommends an investment of $5 billion per year to secure that. We can judge a society's values by what it is prepared to pay for and we must make a decision that we value education for all our citizens. The Gonski principles are about creating a fairer and more equitable education system. They are about giving every child the opportunity to access a quality education and reach their full potential. It is time to get on with Gonski! It is time to properly fund and value our public schools in Australia so they can do the job we need them to do, to the benefit of all of us.

The Australian Greens are ready to work with the government to legislate and implement the Gonski principles this year. At a minimum, we need an additional $5 billion invested in our education system and we want to see a fair school funding system based on need. We want to see full implementation of the Gonski principles around the school funding reform through legislation. This legislation should be introduced by the end of the year.

The Australian public know what we need. There is strong public support for Gonski. An Essential Media poll showed that the great majority of Australians support the Gonski reforms and more funding for public schools. The Australian Greens care about people and we care about fairness. We want a nation and a society that we are proud to pass on to our children and our grandchildren. One fundamental aspect of this future is a top quality, fair, well-funded public education system. As one of the wealthiest nations in the world, we can choose to value this legacy. There must be no more delay. We must get on with Gonski.

Homeless Persons Week

Senator McEWEN (South Australia—Government Whip in the Senate) (19:48):
'There was no way I could've afforded my own place. I had no bond, no rental history, no credit history, no hope.' That was a quote I heard last week, which was Homeless Persons Week, and tonight I would like to
acknowledge the excellent work of all those people and organisations in our community who work very hard to assist people like the person who made that quote—people who are without a place to call home and who are in desperate need of hope. Many of those organisations are helping the federal government implement its plans to reduce homelessness, which is a priority policy objective for the Labor government.

Since 2008, the government has committed almost $5 billion in new funding to provide support services and programs to assist people who are homeless or at risk of becoming homeless. This funding includes the $1.1 billion National Partnership Agreement on Homelessness, which has seen over 180 new or expanded services established across the country. The Gillard government believes that all Australians should have a safe and secure home, for this reason, we have invested over $20 billion to make housing more affordable. Through our $6 billion social housing investment we have plans to build more than 20,000 new social housing homes, of which 18,000 are already completed.

As we know, there are many reasons why people become homeless. It can start from family issues and conflict, domestic violence, relationship breakdowns, substance abuse, mental illness, financial hardship, unemployment and disengagement and sexual abuse. Whatever the reason for homelessness, there are organisations in our community that, like the government, are committed to finding solutions to this problem. A South Australian organisation is doing some very innovative things to help homeless people rebuild their lives in Adelaide and Port Augusta. Common Ground Limited is a not-for-profit housing company that provides accommodation for homeless persons, people at risk of becoming homeless and low-income earners.

The model of housing and funding that Common Ground pursues is a novel type in this country. Common Ground works with government and the private sector to purchase and renovate suitable property in central Adelaide, as well as in Port Augusta, to boost the availability of long-term, affordable rental housing options for low-income earners and those who are homeless or who are at risk of it.

Last week I visited Common Ground's developments in the former Sands and MacDougall office building and warehouse on Light Square in the Adelaide CBD. Here, in a building that had been disused for some time, Common Ground has developed a residential complex. People live in self-contained apartments, sharing the communal spaces as well as the office space for support services, workshops and training activities.

In touring the 52 rental unit facility at Light Square with other MPs and the deputy chair of the board, Mary Patetsos, I saw for myself how bringing together a mix of people, including those who have been long-term rough sleepers and those on low incomes, in a residential complex really does improve lives. For some of the residents, Common Ground is their first real address in their adult life. By bringing stability to their
lives with high-quality shelter, warmth and basic needs, Common Ground provides that vital step for homeless people to help them achieve a positive life change. Other community organisations and, importantly, private companies have supported the concept. They contribute with cash donations, in-kind support or pro bono services. On site is a medical and dental clinic staffed by medical students and professionals from nearby universities. The major community sponsor of the project is Santos, a fine South Australian company. Without that private sector support, the project would not be able to flourish. Many other private sector organisations also contribute.

Of the 142 residents that have been assisted by Common Ground Adelaide since 2008, there are some remarkable success stories, with many accounts of formerly homeless people becoming independent and ready to seize the opportunities that their new living arrangements have provided them with. One of the best stories I heard on my visit was about a young woman who grew up in a low socioeconomic area in a dysfunctional home. She left home at 16 and spent many years living with addiction, violence and no stability. Since entering Common Ground, she has overcome her battle with drugs and alcohol and, most impressively, she has unleashed her obvious intelligence, enrolled in university and has achieved exceptional results in her medical studies. She is now studying towards her PhD so she can become a doctor and work in developing countries. Another story was that of an Indigenous man who was chronically homeless. Since finding stable accommodation and support services at Common Ground, he has completed a university degree, he has been offered employment, and he has also discovered a talent for art. Many of his works are exhibited at Common Ground.

An interesting aspect of the Common Ground model is that the accommodation provided there is actually a home, not just transitional accommodation on the way to somewhere else. Subject to complying with conditions, the people who live here can stay as long as they want to or need to. It is their decision when and if they leave. The staff of Common Ground noted that some of the residents would probably remain for many years, perhaps forever, in their accommodation. Some might stay for a few years, some for a few months. The needs of individuals are different and the Common Ground model acknowledges and accommodates that.

It was interesting to hear that it is often women residents of Common Ground who make the decision to move on to other housing arrangements so that another woman can have the opportunity for stable housing that Common Ground provides. Another interesting fact we heard on our tour is the pride that formerly homeless people take in maintaining their units. Often they maintain their units in better condition than the regular renters who lived in the same complex.

One of the challenges for Common Ground is to expand housing opportunities for families—women with children, for example. The Light Square and Franklin Street sites are not suitable for people with children, and Common Ground is looking for other places to redevelop in conjunction with governments and private contributions. It was also noted that the configuration of the Light Square site is not comfortable for some women, especially those who are or have been victims of domestic violence and for whom a safe and secure house is a priority.

It was heartening to see how Common Ground, which does much with little and
which struggles to secure private funding and donations, is always looking ahead, planning new types of accommodation and arrangements to suit different needs. On my visit to Common Ground, I could see that the organisation has done a great job in providing stable, affordable housing in safety and comfort to homeless people. The independence and personal development programs they offer assist residents on their pathways to independent and successful lifestyles. Projects like Common Ground do indeed offer people hope. I would like to conclude with another quote that I heard last week:

Doing things, attempting things, taking a risk. I wouldn't have done that if I hadn't been here.

**Senate adjourned at 19:57**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:


- Parliamentary Service Act—Determination 2012/1—Clerk of the Senate: Remuneration and other terms and conditions of appointment.
QUESTIONS ON NOTICE
The following answers to questions were circulated:

Employment and Workplace Relations
(Question No. 1558)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 17 February 2012:

With reference to comments made by the Minister on the Fairfax Radio Network on 13 February 2012 in relation to a meeting with Qantas:

(1) When was the Minister briefed by Qantas.
(2) Was the Minister aware that items discussed in the meeting may be commercial-in-confidence.
(3) Why did the Minister choose to release the information.
(4) Did the Minister seek the permission of Qantas prior to publically speaking on the matter.
(5) If permission was not obtained, is the Minister concerned about the message this may send to the business community concerning the Minister's management of market sensitive information.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Minister and his Office communicate with representatives of Qantas on a regular basis.

The Minister treats information provided during discussions with all stakeholders appropriately.

There is nothing inappropriate about the Minister's comments on Fairfax Radio on 13 February 2012.

Education, Employment and Workplace Relations
(Question No. 1809)

Senator Abetz asked the Minister for Employment and Workplace Relations, upon notice, on 19 April 2012:

With reference to Part 6 of the Administrative Arrangements Order, relating to workplace relations policy development, advocacy and implementation:

(1) Can all materials be provided that have been produced by the Department of Education, Employment and Workplace Relations (DEEWR) since 2007 that promote:
   (a) flexible workplace relations policies and practices; and
   (b) workplace productivity, including in each case details of:
      (i) the distribution of these materials, and
      (ii) how many of each has been produced and distributed.
(2) Can details be provided of what labour market research is coordinated by the department, including a breakdown of the:
   (a) number of staff involved in the research; and
   (b) total cost of preparing each item of research.
(3) How many briefs have been prepared for the Department of the Prime Minister and Cabinet that relate to DEEWR Outcome 5.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

Question (1)(a) and (b)
The Department of Education, Employment and Workplace Relations (DEEWR) has produced various materials that promote flexible workplace relations policies and practices and workplace productivity. In addition, DEEWR has contributed to material developed by the Fair Work Ombudsman (FWO) and developed material used during the Fair Work Education and Information Program (FWEIP) in 2009.

As part of the 2009-10 National Work Life Balance Awards, DEEWR published a variety of documents including a finalists booklet, application form, guidelines for applicants and selection criteria and a general information fact sheet. These documents were distributed both in hard copy and via the public DEEWR website which contains information on DEEWR programs including the National Work-Life Balance Awards. A copy of the National Work-Life Balance Toolkit is provided at Attachment A, available from the Senate Table Office.

The DEEWR website also promotes other programs regarding the Department's work on flexibility in the workplace including the Fresh Ideas for Work and Family program which ran from 2009-2011. The DEEWR website also contains a number of fact sheets on the Fair Work System including the Fair Work Act 2009 – an overview, which provides information on how the Fair Work Act 2009 provides a balance between work and family life. Further, the DEEWR website contains information on the Government's current workplace relations flexibility policies such as Paid Parental Leave and assistance to employees experiencing domestic violence. Please refer to the DEEWR website at: http://www.deewr.gov.au/WorkplaceRelations/Pages/default.aspx.

While DEEWR has overarching responsibility for workplace flexibility policy, the Fair Work Ombudsman (FWO) has responsibility for educational and promotional activities regarding the Australian Government's Fair Work system including flexible working arrangements, however DEEWR does provide assistance to the FWO on the development of these materials as necessary.

As part of the Government's commitment to providing support to employees with family responsibilities, the FWO has developed a number relevant factsheets and Best Practice Guides to assist small to medium-sized businesses in implementing best practice initiatives. These include best practice guides on use of individual flexibility arrangements, work and family and parental leave. The guides highlight key aspects of the federal workplace relations system, provide information on best practice concepts, strategies on how these concepts can be implemented and the benefits for the business in doing so. These guides are accessible at:


The FWO has also produced a best practice guide on "Improving Workplace Productivity Through Bargaining." This guide is available on the FWO's website at:


Fact sheets were also produced by the Department based on material provided to FWEIP providers in 2009. A number of these fact sheets included references to flexible working arrangements, including details about the right to request flexible working arrangements and the requirements that enterprise agreements must include a flexibility term. Extracts from relevant FWEIP fact sheets are provided at Attachment B.

It is not possible for the Department to readily identify how many copies of the various materials referred to above were produced and printed for public distribution. Any estimate would require considerable departmental resources to determine.

Question (2)(a) and (b)
In terms of labour market research relating to workplace relations policy development, advocacy and implementation, the Department is providing funding for an Australian Research Council Linkage Project relating to flexible work in Australia. The study is focused on identifying flexibilities that enable workforce participation and skill development and use, and their implications for work-life outcomes in Australia. The total amount of funding to be provided is $255,000, supplemented by an in-kind contribution of $30,000 (GST exclusive). The Department does not collect the number of individual staff working on research projects.

Question (3)

DEEWR has not prepared any briefs for the Department of the Prime Minister and Cabinet. Briefing relating to DEEWR Outcome 5 is provided to the Minister for Employment and Workplace Relations. It would be at the Minister's discretion to forward any such briefing to an interested Minister or their Department.

Attachment B

Extract Fact Sheet 1—Compliance with FWA Employers

What are the new provisions for parents requesting flexible working arrangements?

Eligible employees who are parents or who have caring responsibilities for children who are under school age, or children under 18 who have a disability, have the right to request flexible working arrangements, such as changes to their:

- hours of work
- patterns of work
- work location

A request for flexible working arrangements must be made in writing, setting out the details of the change(s) sought and the reason(s) for the request. Employers have 21 days to provide a written response to the requesting employee, including reasons for the decision. Requests can only be refused on reasonable business grounds.

Where a request is refused by an employer, Fair Work Australia or another authorised party can be asked to resolve the refusal, so long as an enterprise agreement, contract of employment or other agreement that is in place permits them to do so.

Extract Fact Sheet 2—Entitlements—I am a parent. Can I request flexible working arrangements?

Eligible employees who are parents or who have caring responsibilities for children who are under school age, or children under 18 who have a disability, have the right to request flexible working arrangements, such as changes to their:

- hours of work
- patterns of work
- work location

A request for flexible working arrangements must be made in writing, setting out the details of the change(s) sought and the reason(s) for the request. Employers have 21 days to provide a written response to the requesting employee, including reasons for the decision. Requests can only be refused on reasonable business grounds.

Where a request is refused by an employer, Fair Work Australia or another authorised party can be asked to resolve the refusal, so long as an enterprise agreement, contract of employment or other agreement that is in place permits them to do so.

Extract Fact Sheet 3—Collective Bargaining Framework:
What terms must be included in an enterprise agreement?
The following mandatory terms must be contained in all agreements:

**Flexibility Term**

Agreements are required to include a flexibility term. The "flexibility term" must enable an employee and his or her employer to agree to an individual flexibility arrangement. This arrangement would allow the employee and the employer to vary the effect of the agreement in relation to the individual employee and the employer in order to meet the genuine needs of both parties.

The flexibility term must set out the particular terms of the agreement which may be varied by an individual flexibility arrangement. The terms that are selected will be a matter for bargaining.

Extract Fact Sheet 4—Overview of Fair Work Australia

What will Fair Work Australia consider?

To approve an enterprise agreement, Fair Work Australia must be satisfied that certain requirements have been met. This includes that:

- the agreement has been made with the genuine agreement of the employee's covered by the agreement;
- the agreement passes the better off overall test (from 1 January 2010) and does not include any unlawful terms or designated outworker terms;
- the group of employees covered by the agreement was fairly chosen;
- the agreement specifies a date as its nominal expiry date (not more than four years after the date of Fair Work Australia approval);
- the agreement provides a dispute settlement procedure; and
- the agreement includes a flexibility clause and a consultation clause.

and one reference is made to 'productivity' as follows:

Extract Fact Sheet 5—Fair Work Ombudsman Overview

What are the functions of the Fair Work Ombudsman?

The functions of the Fair Work Ombudsman are to:

- promote harmonious, productive and cooperative workplace relations;
- promote and monitor compliance with the Fair Work Act 2009.

**Australia Post**

(Question No. 1866)

**Senator Abetz** asked the Minister for Broadband, Communications and the Digital Economy, upon notice, on 30 May 2012:

(1) Given that the Post Office licensee has been informed that there will be a number of changes to the license agreement and that one of these changes is to reduce the counter mail delivery:

(a) does Australia Post intend to restrict counter mail deliveries at the Post Office; if so, will the counter mail deliveries be restricted to just 752 mail recipients; if not, what amount of counter mail deliveries will be delivered;

(b) how many people rely on this means of delivery to receive their mail;

(c) is the figure of a minimum of 4 400 recipients correct; if not, why not;

(d) where and how was this figure determined;
(e) when the new counter mail delivery measure has been put in place: (i) what will happen to the balance of the deliveries, and (ii) how will Australia Post service those residents in the future;

(f) will the number of Post Office box leases be expanded; and

(g) (i) what process was used to determine which residents would be eligible for this service and which residents would not, and (ii) who made this decision.

(2) Given that the Post Office licensee has been informed that Australia Post intends to restrict delivery to one delivery point per area:

(a) is it true that there will be a restriction on delivery points for the Lightning Ridge region; if so, what will be the restriction;

(b) how many delivery points will be cut in this review;

(c) is it correct that Australia Post will only pay for one delivery point for each area, such as Simms Hill, despite the fact that upwards of 200 people may live in that area and that the remaining 199 people will need to use a Post Office box or have their mail returned to sender;

(d) what delivery points other than Simms Hill will be affected; and

(e) who will identify the delivery point to be serviced and who will identify the 199 people that will no longer be serviced and will have to take up the option of delivery to a Post Office box at extra expense.

(3) Does Australia Post have a community service obligation to provide mail services that are reasonably accessible to all Australians wherever they reside; if so, how does Australia Post justify the actions being proposed in Lightning Ridge.

(4) Is Australia Post refusing to accept Lightning Ridge residential addresses as verified, despite the fact that they are valid local addresses, well known by the community.

(5) Is Australia Post also stating that incorrectly addressed Post Office box mail, where the Post Office manager/owner knows that street address, now cannot be redirected and must be returned to sender.

(6) Does Australia Post intend that all mail for a Post Office box holder, not correctly addressed to a Post Office box, be returned to sender; if so:

(a) (i) is the Post Office currently paid a mail service payment to help manage this mail, and (ii) does Australia Post intend to remove this payment;

(b) does Australia Post uphold this policy and send its own mail to their clients' PO box and not to their home address in areas where this policy is stipulated; and

(c) how will the senders of mail to these recipients know to address the mail to a PO box and not a home address.

(7) Given that the Post Office has been informed of new arrangements for mail sorting:

(a) does Australia Post intend to change the rate of the outward mail processing fee in Lightning Ridge by demanding that all mail for the local community leave the Post Office and be transported to the nearest delivery centre for sorting before being transported back to that Post Office and then have staff from that Post Office unload the mail from the delivery truck that has now been sorted at the local delivery point;

(b) does this mean that the new process for a letter handed over the counter at the Post Office to go to a delivery point just 2 metres from the counter, could take up to 3 days; and

(c) by what measure is this new process more efficient and goes towards providing a more effective mail service.

(8) Does Australia Post intend to remove the telephone subsidy paid to rural licensees; if so:
(a) is this due to the increased cost of rural licensees to contact the network offices, located in major cities, which in the case of Lightning Ridge is now located in Sydney;

(b) if the increased cost is not the reason, why then is the subsidy being removed; and

(c) will Australia Post be breaking its agreement by the removal of this subsidy.

(9) Where the licensee can demonstrate an increase of counter delivery points, do the additional payments for each of those delivery points form part of the agreement made with Australia Post; if not, why not.

**Senator Conroy:** The answer to the honourable senator's question is as follows

(1) The Lightning Ridge licensee has not been informed that there will be any changes to their Licensed Post Office (LPO) Agreement. Any changes will occur only on assignment of the licence to a new licensee.

(a) It is intended to conduct a poll of Lightning Ridge town residents this year to determine whether they wish to have a ‘to the property’ mail delivery. This may have an impact on the number of counter delivery points currently provided from the Lightning Ridge Licensed Post Office.

(b) Based on verified data Australia Post provides an across the counter delivery service to 752 delivery points at Lightning Ridge LPO. Australia Post does not have data on how many people live at these individual delivery points.

(c) Under the LPO Agreement licensees are paid on the number of verified delivery points. The verified figure currently stands at 752.

(d) Please see answer to (c) above.

(e) There is no new counter mail delivery measure being implemented, however as per (a) above residents will shortly be able to choose whether to continue the existing counter delivery service or a ‘to the property’ delivery by mail contractor.

(f) Australia Post's Post Office Box (POB) service is provided under the LPO Agreement by the licensee. Australia Post is unable to comment on future leasing trends in Lightning Ridge at this stage.

(g) Please see the response to a). Any decision to introduce the property delivery is based on Australia Post's ability to be able to service these points. In Lightning Ridge's situation this has been determined to be the boundaries of the Lightning Ridge township.

(2) (a) Australia Post is not proposing to alter existing delivery policy other than as described in answer (1) (a). (b) Please see above answer. (c) No, the licensee is being paid as per the LPO Agreement on the basis of verified delivery points.

(d) Please see above response to (c)

(e) Please see above response to (c)

(3) Australia Post's Community Service Obligations are detailed in the Australian Postal Corporation Act, 1989. At present, mail delivery to Lightning Ridge residents is either through counter mail delivery for the opening hours of the post office or the customer may choose to lease a Post Office Box with 24 hours access. Based on customer feedback, Australia Post is now able to conduct a poll of eligible residents in the Lightning Ridge township to determine whether they wish to have a “to the property” delivery. Australia Post is meeting its obligations.

(4) No, all correctly verified addresses are accepted.

(5) All mail received at a Post Office is to be delivered as addressed. The responsibility for ensuring mail is correctly addressed rests with the sender. Should a mail article not be collected or be unable to be delivered, the mail would be returned to sender.
(6) No, mail addressed to a street address that does not receive delivery, assuming no current redirection is in place, would be delivered across the counter or (should street mail delivery be introduced) through the mail contractor.

(a) A mail service payment is paid where Australia Post requires the licensee to undertake mail sorting and acceptance prior to 8am or after 6pm. Or where a critical mail circulation situation applies. It is not paid for mail sorting as other payments such as the mail management fee, Post office box fee and counter mail delivery fee apply to this function. The current mail service payment is not intended to be removed under the existing LPO Agreement.

(b) Please see response to 6 above.

(c) Please see response to 5 above.

(7) (a) There are no changes to existing mail sorting arrangements nor payments at the Lightning Ridge LPO. The payment rate may be varied at the time of assignment.

(b) Please see (a)

(c) Please see (a)

(8) (a) No, where warranted the telephone subsidy to licensees will continue. Over the years however many requirements for a licensee to communicate with Australia Post by telephone have been replaced by a toll free number e.g. EPOS Helpdesk, Stock warehouse, Shared Services Division, Armaguard, IT help Desk.

(b) Where warranted the telephone subsidy will continue to be paid. NB: There is no change to the existing licensee's telephone subsidy.

(c) The subsidy for the existing licensee is not being removed. Upon assignment entitlement to this subsidy is to be reviewed with the new licensee.

(9) As per the LPO Agreement where a counter delivery point listing provided by the licensee can be verified the appropriate payment will be made. Alternatively, under the formula detailed in the LPO Agreement, a mail count to identify the volume of mail would appropriately pay the licensee.

**Australian Security Intelligence Organisation**

*(Question No. 1870)*

**Senator Rhiannon** asked the Minister representing the Prime Minister in the Senate, upon notice, on 1 June 2012:

In regard to claims made by Mr Wilson, a former Wall Street resource analyst, of ongoing interference by the Australian Security Intelligence Organisation (ASIO) since authoring a research report in 1996 and associated comments on the shooting deaths of seven Indigenous protestors at the Freeport McMoRan Copper and Gold Grasberg mine site in West Papua in 1994:

(1) How has the Minister or the department investigated the allegations raised by Mr Wilson of interference by ASIO with his employers, family, friends, peers, neighbours and business.

(2) Has the Minister or the department investigated the allegations raised by Mr Wilson of inappropriate and inadequate oversight and review by the Inspector General of Intelligence and Security (IGIS) of this matter; if so, how was that investigation carried out and what was the outcome.

(3) Has the Minister requested any information from ASIO, IGIS or from other sources in considering Mr Wilson's request for an investigation into the allegations concerning ASIO and IGIS; if so: (a) when and to whom was the request made; (b) what details were requested; and (c) was a response provided; if so, can details or a copy of that response be provided.

(4) Why has IGIS decided not to investigate any matters raised, despite Mr Wilson providing substantive additional allegations and detailed information concerning inappropriate ASIO interference subsequent to IGISs preliminary investigation in 2004.
(5) What did the preliminary investigation conducted by IGIS in 2004 consist of, and in regard to this: (a) was ASIO asked if there was any substance to the complaints raised by Mr Wilson about ASIO abuse and interference; (b) were any of the people named by Mr Wilson contacted or interviewed; and (c) was evidence against Mr Wilson that depended on the provision of intelligence by a foreign intelligence service, such as the United States of America, independently verified and corroborated by ASIO.

(6) Has Mr Wilson ever been, or is he currently, the subject of an ASIO investigation.

(7) Has ASIO ever targeted Mr Wilson's family, friends, peers, neighbours, lawyers or business associates.

(8) What other Australian agencies are, or have been, involved in investigating and/or the interference with Mr Wilson since 1996, as outlined in his complaints about ASIO and IGIS.

Senator Chris Evans: The Prime Minister is advised the answer to the honourable senator's question is as follows:

(1) My Department advises Mr Wilson's complaint has been examined by the Inspector-General of Intelligence and Security (IGIS) and that no further action is required.

(2) My Department has considered the allegations raised by Mr Wilson of inappropriate and inadequate oversight and review by the IGIS.

(3) No.

(4) and (5) The Office of the IGIS has advised that:

It is not the usual practice of the Inspector-General to discuss individual complaints which have been made to her office. This practice has been adopted both to protect the privacy of individuals who make complaints and to protect the activities of the Australian intelligence community from unnecessary or unreasonable exposure.

It is the standard practice of government and government agencies not to comment publicly on intelligence matters.

As Mr Wilson has previously self-disclosed that he has made complaints to the Inspector-General, the Inspector-General is able in these circumstances to advise that she and one of her predecessors have previously examined Mr Wilson's claims and determined that there were insufficient grounds on which to proceed to a full inquiry. This remains the position of the current Inspector-General.

(6) ASIO is an agency that is administered by the Attorney-General. This question is best answered by the Attorney-General. Please see the response provided to Senate Question 1871.

(7) ASIO is an agency that is administered by the Attorney-General. This question is best answered by the Attorney-General. Please see the response provided to Senate Question 1871.

(8) My Department is not aware of any Australian agencies that are, or have been, involved in investigating and/or interference with Mr Wilson.

Australian Security Intelligence Organisation

(Question No. 1871)

Senator Rhiannon asked the Minister representing the Attorney-General, upon notice, on 1 June 2012:

In regard to claims made by Mr Wilson, a former Wall Street resource analyst, of ongoing interference by the Australian Security Intelligence Organisation (ASIO) since authoring a research report in 1996 and associated comments on the shooting deaths of seven Indigenous protestors at the Freeport-McMoRan Copper and Gold Grasberg mine site in West Papua in 1994:
(1) How has the Minister or the department investigated the allegations raised by Mr Wilson of interference by ASIO with his employers, family, friends, peers, neighbours and business.

(2) Has the Minister or the department investigated the allegations raised by Mr Wilson of inappropriate and inadequate oversight and review by the Inspector-General of Intelligence and Security (IGIS) of this matter; if so, how was that investigation carried out and what was the outcome.

(3) Has the Minister requested any information from ASIO, IGIS or from other sources in considering Mr Wilson's request for an investigation into the allegations concerning ASIO and IGIS; if so:
   (a) when and to whom was the request made;
   (b) what details were requested; and
   (c) was a response provided; if so, can details or a copy of that response be provided.

(4) Why has IGIS decided not to investigate any matters raised, despite Mr Wilson providing substantive additional allegations and detailed information concerning inappropriate ASIO interference subsequent to IGIS's preliminary investigation in 2004.

(5) What did the preliminary investigation conducted by IGIS in 2004 consist of, and in regard to this:
   (a) Was ASIO asked if there was any substance to the complaints raised by Mr Wilson about ASIO abuse and interference;
   (b) Were any of the people named by Mr Wilson contacted or interviewed; and
   (c) Was evidence against Mr Wilson that depended on the provision of intelligence by a foreign intelligence service, such as the United States of America, independently verified and corroborated by ASIO.

(6) Has Mr Wilson ever been, or is he currently, the subject of an ASIO investigation.

(7) Has ASIO ever targeted Mr Wilson's family, friends, peers, neighbours, lawyers or business associates.

(8) What other Australian agencies are, or have been, involved in investigating and/or the interference with Mr Wilson since 1996, as outlined in his complaints about ASIO and IGIS.

**Senator Ludwig:** The Attorney-General has provided the following answer to the honourable senator's question:

(1) Mr Wilson was advised that the appropriate body to investigate his concerns regarding ASIO was the Inspector General of Intelligence and Security (IGIS).

(2) As the IGIS falls within the Prime Minister's portfolio, the Prime Minister or her Department are best placed to respond to this matter.

(3) On 8 March 2011 the Attorney-General's Department wrote to Mr Wilson and suggested he contact the Inspector General of Intelligence and Security regarding his concerns about the activities of ASIO.

(4) As the IGIS falls within the Prime Minister's portfolio, the Prime Minister or her Department are best placed to respond to this matter. The Office of the IGIS has advised that:

   “It is not the usual practice of the Inspector-General to discuss individual complaints which have been made to her office. However, as Mr Wilson has previously self-disclosed that he has made complaints to the IGIS, in these circumstances the IGIS has advised that she and one of her predecessors have previously examined Mr Wilson's claims and determined that there were insufficient grounds on which to proceed to a full inquiry.”

(5) See answer to question (4).
(6) Consistent with longstanding practice, it is not appropriate to comment on operational matters.
(7) Consistent with longstanding practice, it is not appropriate to comment on operational matters.
(8) Consistent with longstanding practice, it is not appropriate to comment on operational matters.

Families, Housing, Community Services and Indigenous Affairs
(Question No. 1872)

Senator Milne asked the Minister representing the Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform, upon notice, on 5 June 2012:

Given that feed-in tariffs from household solar energy systems, paid as cash, are assessed as income for all social security income support payments: how much money does the Government save, broken down by each social security income support payment type, as a result of income derived from cash payments from feed-in tariffs.

Senator Chris Evans: The Minister for Families, Community Services and Indigenous Affairs and the Minister for Disability Reform provides the following answer to the honourable senator's question:

Solar panel feed-in tariffs paid as an electricity account credit are not assessed under the income support income test.

The Department of Human Services advised that they cannot separately identify cash solar panel feed-in tariffs income reported by income support recipients. Therefore, the information sought is not available.

Tertiary Education, Skills, Science and Research
(Question No. 1874)

Senator Ludlam asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 7 June 2012:

(1) Was the cost of $13 million, cited when the NMC was opened in 1991: (a) the cost for the entire facility or for the cyclotron itself; and (b) taxpayer funded; if so, to what extent.
(2) On what basis was the decision made to decommission the NMC.
(3) Was it the manufacturer's advice to decommission the machine.
(4) What was the manufacturer's assessment of the operational problems of the NMC.
(5) Is the IBA built 'Cyclone 30' still operating in other countries.
(6) Why have other operators obtained longer life cycles from their equipment than the Australian Nuclear Science and Technology Organisation.
(7) What was the cost of decommissioning the NMC.
(8) Is the NMC's residual value of $2 million, cited during the 2010 11 Senate Budget estimates hearings of the Economics Committee, the book value or the actual sale price.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

(1) (a) The cost of $13 million was for the cyclotron itself; (b) The construction of the NMC was funded by government through a special appropriation.
(2) In the last years of its operation, the NMC became unreliable, due primarily to equipment failures in a facility approaching the end of its operating life. After considering the results of an external review of the facility, the ANSTO Board decided that further investment and high maintenance costs were no longer justifiable, as reliability could not be guaranteed.
(3) No.
(4) Not applicable – see response to (3) above.
(5) Yes.
(6) The Government cannot answer on behalf of other operators.
(7) $2.2 million.
(8) The book value.

World Health Organisation
(Question No. 1879)

Senator Ludlam asked the Minister representing the Minister for Health, upon notice, on 12 June 2012:

1) Given that on 31 May 2011 the World Health Organization's (WHO) International Agency for Research on Cancer classified radiofrequency electromagnetic fields as a Group 2B carcinogen, and the inability of the Australian telecommunication industry to obtain public liability insurance for potential health effects of electromagnetic radiation (EMR), what financial provision is the Australian Government making to cover future public liability claims and health costs for Australians for illnesses caused by EMR.

2) Given that, for more than 10 years, Switzerland has been operating with an EMR standard that is 1 per cent of the current Australian Radiation Protection and Nuclear Safety Agency standard (proving this to be both technically and economically viable), why is Australia not adopting this precautionary approach in light of the WHO classification of radiofrequency electromagnetic fields as a Group 2B carcinogen.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

1) The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is aware that the World Health Organization's (WHO) International Agency for Research on Cancer (IARC) has classified radiofrequency electromagnetic fields as Group 2B or 'possibly carcinogenic to humans', based on limited evidence on wireless phone use and certain brain tumours. The IARC found evidence on exposure from mobile phone base stations and cancer to be inadequate.

   We recognise that the IARC classification can be a concern to the community. Of reassurance to the public should be that ARPANSA gives consideration to these issues and offers advice on ways to reduce personal exposures from handsets.

   Exposures to the radiofrequency electromagnetic fields from mobile phones and base stations are regulated by the Australian Communications and Media Authority to levels set by ARPANSA in its Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields—3 kHz to 300 GHz (2002) (ARPANSA Standard). This Standard includes a precautionary requirement to minimise unnecessary public exposure to radiofrequency fields. Typical exposures to the public from mobile phone base stations are well below international and Australian exposure limits and far below the localised exposures from mobile phone handsets.

2) In Australia, although there are no precautionary limits per se, the ARPANSA exposure standard requires a minimisation of public radiofrequency fields exposure "…which is unnecessary or incidental to achievement of service objectives or process requirements, provided this can be readily achieved at reasonable expense." This is in line with the WHO's recommendations.
Questions on Notice

Health and Ageing
(Question No. 1881)

Senator Abetz asked the Minister representing the Minister for Health, upon notice, on 14 June 2012:

With reference to correspondence sent from the department's Ministerial Liaison and Support Section on 19 April 2012:

(1) Why did it take 2 months for the department to provide basic acknowledgement and advice that the matter would be passed to a different Minister.

(2) Has the Minister provided any guidance to the department on the timeframes within which the department is required to respond; if so, can a copy of the advice be provided.

(3) Given that the initial letter sought 'urgent advice', is it common for a basic response to take 2 months; if so, why; if not, why did it occur on this occasion.

(4) Does the Minister consider the Chronic Disease Dental Scheme to be an important issue requiring attention.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

(1) to (3) There are established time frames for responding to ministerial correspondence within the Department of Health and Ageing (see attachment A). Every effort is made to respond in a timely manner noting that complex issues and cross portfolio issues may require additional time.

The issue raised in Senator Abetz's letter is a cross portfolio issue between the Department of Health and Ageing and the Department of Human Services and it required consultation between those two agencies to determine who was best placed to respond.

(4) The Australian Government considers access to affordable, high quality oral health care for all Australians of importance, particularly for low income earners and disadvantaged people. While the Chronic Disease Dental Scheme provides services for some parts of the population, it is not well targeted to assist those Australians most in financial need. The Government intends to close the scheme to put in place more appropriate policies.

Attachment A

<table>
<thead>
<tr>
<th>Category of respondent</th>
<th>Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urgent responses required by the Ministers' offices</td>
<td>As indicated</td>
</tr>
<tr>
<td>Responses to Ministers and major portfolio organisations.</td>
<td>14 days</td>
</tr>
<tr>
<td>Responses to Members of Parliament.</td>
<td></td>
</tr>
<tr>
<td>Responses to minor organisations and members of the public receiving a Ministerial response.</td>
<td>21 days</td>
</tr>
<tr>
<td>Responses to all other correspondence marked for a Departmental response on behalf of the Minister.</td>
<td>28 days</td>
</tr>
</tbody>
</table>

Sustainability, Environment, Water, Population and Communities, Agriculture, Fisheries and Forestry
(Question Nos 1886 and 1887)

Senator Abetz asked the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, and the Minister for Agriculture, Fisheries and Forestry, upon notice, on 18 June 2012:
Can itemised lists be provided detailing: (a) the amount paid to Professor Jonathan West for work on the Tasmanian Forests Intergovernmental Agreement; and (b) whether any of the signatories to the original Statement of Principles received government funds; if so, how much.

Senator Conroy: The Minister for Sustainability, Environment, Water, Population and Communities has provided the following answer to the honourable senator's question:

(a) The total cost of the Tasmanian Forest Independent Verification process, led by Professor Jonathan West, is approximately $2.05 million. Exact final figures cannot be provided at this time as some work is still underway, but total payments made as at 29 June 2012 are $1,897,288.26.

This total figure includes $130,000 for Professor Jonathan West's services, plus $302,540.44 for the other five expert members of the Independent Verification Group for their contribution to the comprehensive assessment of the Tasmanian forestry industry's timber supply requirements and the conservation values of nominated areas of Tasmania's native forests.

It also includes a total of $1,464,747.82 paid to 27 expert organisations and individuals to produce data, modelling and sub-reports to support the Independent Verification Group's analysis, plus ongoing technical support from industry and environment nominees, peer review and administration costs.

(b) In order to support their involvement in the Statement of Principles process, in June 2011 industry were provided a total of $120,000, employee representatives a total of $80,000 and conservation non-government organisations a total of $40,000. This funding has been used to support a range of coordination activities including industry, employee and community engagement in the process and support programs.

Industry groups included:
Forest Industries Association of Tasmania
National Association of Forest Industries
Tasmanian Forest Contractors Association
Australian Forest Contractors Association
Tasmanian Country Sawmillers Federation
Timber Communities Australia

Employees were represented by:
the Construction, Forestry, Mining and Energy Union

Conservation non-government organisations include:
Australian Conservation Foundation
Environment Tasmania

The Wilderness Society was not funded at this time as it had suspended its involvement in the process.

In June 2012 the Signatories were granted the following additional amounts to support their ongoing involvement in intensive negotiations to reach an agreement which optimises wood supply and conservation outcomes. The following three organisations were provided $20,000 each to support their interstate representatives' involvement in Hobart negotiations:

Timber Communities Australia
Construction, Forestry, Mining and Energy Union
Australian Conservation Foundation

The following seven organisations were provided $5,000 each to support the involvement of their Tasmanian representatives' in the Hobart negotiations:
Senator Ludlam asked the Minister representing the Treasurer, upon notice, on 19 June 2012:

(1) With reference to the committee of experts developing the new System of Environmental–Economic Accounting chaired by the Australian Bureau of Statistics (ABS), how much progress is being made in other countries towards improving measures of economic wellbeing.

(2) Why are environmental expenditure accounts for Australia no longer produced.

(3) Are there any plans for the ABS to produce multifactor productivity estimates that also include inputs of natural and environmental resources.

(4) Why has the ABS taken the view that subsoil assets do not exist until we find them, rather than regarding the asset as having always been there, thereby revising back the series when a new deposit is discovered.

(5) How does the ABS respond to claims by Professor John Quiggin that a productivity slowdown has not occurred as there was no significant productivity acceleration in the 1990s.

Senator Wong: The Treasurer has provided the following answer to the honourable senator's question:

(1) The System of Environmental-Economic Accounts (SEEA) outlines a measurement framework to capture the interactions between the environment and the economy. Development and application of environmental-economic accounts is an important part of the ABS’s overall efforts to better understand well-being more generally, consistent with international and national interest in a wider range of indicators as recommended by international experts such as Stiglitz, Sen and Fitoussi. Statistical measures for quantifying environmental depletion and degradation are still under development, but many countries produce SEEA style flow accounts for water, energy and emissions including China, South Africa, Mexico, Israel, Spain, Norway, Denmark, Canada, Germany, Australia and the Netherlands.

(2) It is not possible for the ABS to satisfy all demands for statistical information and the ABS has prioritised the environmental information work program to focus on annual Water and Energy Accounts and developing experimental accounts on Waste and Land.

(3) The ABS has no current plans to produce multifactor productivity estimates that also include inputs of natural and environmental resources. The ABS’s ongoing research program into improving the measurement of productivity is reviewed annually after consultation with key stakeholders, including the Productivity Commission. The ABS has conducted research into the measurement of natural resource inputs and their impact on the Mining Industry multifactor productivity (MFP) statistics. This work was presented at the 2011 Australian Conference of Economists in Canberra.
(4) The national balance sheet is produced by the ABS in line with the international standard, the System of National Accounts 2008. In the national accounts, an economic asset is defined as a tangible or intangible product on which right of ownership is exercised and whose holding or use procures economic advantages for the owner. Resources which are unknown or are not exploitable do not have an economic value. For sub-soil reserves of mineral and energy resources, increases in the known stock levels are the result of mineral exploration and price and cost movements.

(5) ABS productivity statistics are compiled in accordance with internationally recognised methodologies consistent with the System of National Accounts 2008 as documented in Chapter 27 of Australian National Accounts: Concepts, Sources and Methods (cat. no. 5216.0). The ABS has an ongoing commitment to improving productivity measures and welcomes discussion on these methodologies.

Resources and Energy
(Question No. 1889)

Senator Ludlam asked the Minister for Resources and Energy, upon notice, on 19 June 2012:

Will the Minister commit to delaying any declaration of Muckaty as the final location for the proposed nuclear waste site under the National Radioactive Waste Management Act 2012 until the matters pertaining to the nomination currently before the Federal Court of Australia are resolved.

Senator Chris Evans: The answer to the honourable senator's question is as follows:

The Government has made clear it will respect the Court's decision.

Agriculture, Fisheries and Forestry
(Question No. 1897)

Senator Siewert asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25 June 2012:

(1) Given that the shark product data collected by the Australian Quarantine and Inspection Service (AQIS) is of a 'greater resolution' than that held by the Australian Bureau of Statistics (ABS), why is ABS data publically available yet AQIS will not publically release shark product export data for the period 2008 to 2011.

(2) Can a list be provided detailing the total quantity of shark fin exported under the trade codes FU0316 (shark fin) and FU0180 (dried shark fin), listed separately, for the years 2008, 2009, 2010 and 2011, including:

(a) the total quantity, by weight, for each export code;
(b) each Australian port from which the shark fin was exported; and
(c) the destination of the export.

(3) Can a list be provided detailing the total quantity of shark product exported under the trade codes FC0560, FF0520, FF0957, FF1226, FF1350, FF1702, FU0291, FU0299, FU0313, FU0388, FU0389, FU0414, FF0316 and FU0180, listed separately, for the years 2008, 2009, 2010 and 2011, including:

(a) the total quantity, by weight, for each export code;
(b) each Australian port from which the shark fin was exported; and
(c) the destination of the export.

(4) For the years 2008, 2009, 2010 and 2011, does the total quantity, by weight, of shark products exported under each of the above trade codes correspond with reported catches from Commonwealth,
state and territory fisheries and reported to the Food and Agriculture Organization of the United Nations (FAO).

(5) Following the TRAFFIC review of South African shark imports and a subsequent letter from TRAFFIC to the former Minister for Agriculture, Fisheries and Forestry, Mr Peter McGauran, in 2007, what measures has the Government taken to improve the quality of shark import and export data.

(6) What action has the Government taken to ensure imports of seafood into Australia are 'responsible', through being consistent with all elements of the FAO Technical Guidelines for the Responsible Fish Trade.

(7) Will the Government consider adopting a risk assessment method consistent with that being developed by TRAFFIC for the United Kingdom Joint Nature Conservation Committee as a way of identifying species that are not consistent with responsible fish trade.

(8) Will the Government consider adopting a similar regulation to that adopted by the European Union to limit the access of Illegal, Unreported and Unregulated (IUU) derived fisheries products into the Australian marketplace, by requiring the validation of all exports to Australia by Flag States that the products have been caught legally.

(9) Given that under the Fisheries Management Act 1991 and, in particular, clause 9Z0 (Prohibited ways of processing fish) of the Regulations made under section 14 of the Act, the caudal lobe and the dorsal, pectoral or caudal fins of sharks of the class Chondrichthyes may be removed from the carcass before the fish is landed and received by a fish receiver permit holder, a ban that enables species identification on landing and in turn monitoring that catches are within prescribed limits, protected species monitoring and compliance with legal size limits, for the years 2008, 2009, 2010, 2011 and 2012:

(a) to what extent has the Australian Fisheries Management Authority investigated compliance with this measure;

(b) how many shark landings (in-port), at sea and fish receiver inspections have been observed;

(c) how many compliance breaches were recorded and have any offenders been successfully prosecuted;

(d) if no compliance monitoring has taken place, why not; and

(e) if illegal shark finning activity has been recorded, what quantity of shark and shark fin, by weight, was apprehended.

(10) For the years 2008, 2009, 2010, 2011 and 2012:

(a) how many foreign fishing vessels have been observed and apprehended fishing in the Australian Fishing Zone;

(b) how many of these vessels were in possession of shark or shark fin;

(c) what was the total quantity, by weight, of shark and shark fin taken illegally by foreign fishing vessels; and

(d) what was the composition (species) of the illegal take of sharks.

(11) Given that the 2007 Australian Institute of Criminology report, A national study of crime in the Australian fishing industry, identified evidence of illegal activity in obtaining shark fins and noted the high value of fins as a driver of illegal activity, stating: 'in the Northern Territory, stakeholders considered that large scale and well-organised shark finning had developed in northern Australia, with family groups and companies involved':

(a) what measures has the Government taken to address the issue since the publication of the report;

(b) what evidence is there that the measures have been successful; and

(c) if no action has been taken, why not.
Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) The Department of Agriculture, Fisheries and Forestry (DAFF) does not collect data for the purpose of public reporting. The information held by DAFF in relation to shark produce export data is commercial in nature and is not made publically available.

(2) A list of data for shark fin (and shark product) that includes the product descriptor codes, weight and destination can be provided for the previous 12 months. After 12 months, data is archived without the product descriptor code detail. Port information has not been included to protect the identity of individual businesses.

The following table contains shark fin and shark product data for the last 12 months (1 July 2011-30 June 2012) for the product descriptor codes (FC0560, FF0520, FF0957, FF1226, FF1350, FF1702, FU0291, FU0299, FU0313, FU0388, FU0389, FU0414, FU0316 and FU0180) by weight and destination.

<table>
<thead>
<tr>
<th>Destination</th>
<th>Product Code</th>
<th>Description of Code</th>
<th>Net Amount (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>SHK</td>
<td>FU0291</td>
<td>594.00</td>
</tr>
<tr>
<td>China</td>
<td>SHK</td>
<td>FU0389</td>
<td>28801.00</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>SHK</td>
<td>FF0316</td>
<td>7956.86</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>SHK</td>
<td>FU0180</td>
<td>29968.61</td>
</tr>
<tr>
<td>Japan</td>
<td>SHK</td>
<td>FU0414</td>
<td>37440.00</td>
</tr>
<tr>
<td>Philippines</td>
<td>SHK</td>
<td>FF0316</td>
<td>122050.33</td>
</tr>
<tr>
<td>Philippines</td>
<td>SHK</td>
<td>FF1702</td>
<td>155003.00</td>
</tr>
<tr>
<td>Singapore</td>
<td>SHK</td>
<td>FF0316</td>
<td>17412.40</td>
</tr>
<tr>
<td>Singapore</td>
<td>SHK</td>
<td>FU0180</td>
<td>845.10</td>
</tr>
<tr>
<td>USA</td>
<td>SHK</td>
<td>FU0388</td>
<td>7200.00</td>
</tr>
<tr>
<td>USA</td>
<td>SHK</td>
<td>FU0389</td>
<td>3600.00</td>
</tr>
<tr>
<td>USA</td>
<td>SHK</td>
<td>FU0414</td>
<td>7560.00</td>
</tr>
</tbody>
</table>

The following table contains information retrieved from archives for 2008-30 June 2011 for high level product type, weight and destination.

<table>
<thead>
<tr>
<th>Destination</th>
<th>Product Code</th>
<th>Description</th>
<th>Net Amount (kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>14.40</td>
</tr>
<tr>
<td>China</td>
<td>SHK</td>
<td>Shark</td>
<td>85937.00</td>
</tr>
<tr>
<td>China</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>5.00</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>SHK</td>
<td>Shark</td>
<td>219402.23</td>
</tr>
<tr>
<td>Japan</td>
<td>SHK</td>
<td>Shark</td>
<td>111258.00</td>
</tr>
<tr>
<td>Korea</td>
<td>SHK</td>
<td>Shark</td>
<td>109.80</td>
</tr>
<tr>
<td>Macau</td>
<td>SHK</td>
<td>Shark</td>
<td>14.50</td>
</tr>
<tr>
<td>Malaysia</td>
<td>SHK</td>
<td>Shark</td>
<td>1566.60</td>
</tr>
<tr>
<td>Malaysia</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>175.03</td>
</tr>
<tr>
<td>New Zealand</td>
<td>SHK</td>
<td>Shark</td>
<td>10820.00</td>
</tr>
<tr>
<td>New Zealand</td>
<td>SKL</td>
<td>Shark - school</td>
<td>577.65</td>
</tr>
<tr>
<td>Philippines</td>
<td>SHK</td>
<td>Shark</td>
<td>1035011.03</td>
</tr>
<tr>
<td>Philippines</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>40.00</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>35.10</td>
</tr>
<tr>
<td>Singapore</td>
<td>SHK</td>
<td>Shark</td>
<td>426.17</td>
</tr>
<tr>
<td>Singapore</td>
<td>SKP</td>
<td>Shark - blacktip</td>
<td>51.30</td>
</tr>
<tr>
<td>Thailand</td>
<td>SKG</td>
<td>Shark - gummy</td>
<td>50.00</td>
</tr>
<tr>
<td>Taiwan</td>
<td>SHK</td>
<td>Shark</td>
<td>50852.00</td>
</tr>
<tr>
<td>USA</td>
<td>SHK</td>
<td>Shark</td>
<td>44358.40</td>
</tr>
</tbody>
</table>
(3) Please refer to the response to Question 2.

(4) It is not possible to make a valid comparison between the total quantity of shark products exported with the reported catches from Commonwealth, state and territory fisheries, as reported to the Food and Agriculture Organisation of the United Nations. This is because:

- not all landed product is exported;
- there is no data on product exported from individual fisheries;
- some product is exported in a processed form (eg dried shark cartilage powder) and the relationship to landed weight is not easily calculated;
- exported processed products may contain imported products that have been reprocessed; and
- if product is exported, it is not necessarily exported in the same year it was caught.

(5) The World Customs Organization (WCO) sponsors and maintains the International Harmonized Commodity Description and Coding System. Australia is a signatory to the harmonized system. Since 1988, the harmonized system has formed the basis of Australia's commodity classifications for traded goods, including imports and exports, and the dissemination of international trade statistics. The Australian Customs and Border Protection Service is the lead agency for its implementation in Australia, and the Australian Bureau of Statistics hold data on shark product exports which is derived using the harmonised system of tariff codes.

The WCO reviews the harmonized system every five years to reflect changes in industry practice, technological developments and changes in international trade patterns. The fourth and most recent review of the Harmonized System was completed in June 2010, and came into effect on 1 January 2012. These changes were implemented in Australia as part of the Customs Tariff Amendment (2012 Harmonized System Changes) Bill 2011, which clarified several tariff lines relating to shark products, and created a new tariff line for shark fins (smoked, salted or dried).

Assessing the potential for a more comprehensive shark trade data collection system to improve shark conservation and management is also an action item in Australia's second National Plan of Action for the Conservation and Management of Sharks (Shark Plan 2). Under the plan's operational strategy, DAFF will 'Assess the potential for more comprehensive trade data collection and analysis to improve shark conservation and management outcomes and implement a more comprehensive trade data collection system as appropriate'.

(6) Australia's systems are largely consistent with the voluntary FAO Technical Guidelines for Responsible Fish Trade that were adopted in 2008. For example, the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) provides a legal framework for the imports and exports of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) listed species.

The EPBC Act:

- establishes a list of CITES species, with import and export conditions or restrictions;
- allows for stricter domestic measures when needed;
- establishes a permit system to allow imports and exports of CITES specimens; and
- allows for imports and exports of CITES specimens for non-commercial purposes, including for personal and household effects.

Australia does not require documentation with every import of seafood that attests to its conformance with the FAO's voluntary guidelines, and forcing compliance with these guidelines would not be consistent with free trade policy.
(7) The government is not currently considering a risk assessment method as a way of identifying species that are not consistent with responsible fish trade.

Australia assesses imports of fish products based on sanitary and phytosanitary standards, consistent with our obligations under the World Trade Organization, and whether imports comply with relevant measures adopted under those regional fisheries management organisations of which Australia is a member.

(8) Schemes to track fisheries products from catch to market place can be effective tools in combating illegal fishing. Catch documentation schemes should be appropriately adapted for the particular needs and objectives of the organisation or fishery to which it relates. In Australia's view, the European Union's (EU) scheme is not likely to be the most effective system for all fisheries or organisations.

Three of the organisations of which Australia is a member use catch documentation schemes to trace or monitor catch of specific fishery resources. This includes the Commission for the Conservation of Southern Bluefin Tuna (southern Bluefin tuna), the Commission for the Conservation of Antarctic Marine Living Resources (toothfish) and the Indian Ocean Tuna Commission (bigeye tuna). A fourth, the Western Central Pacific Fishery Commission, is currently considering the most appropriate objectives and design for catch documentation schemes to monitor certain species.

Furthermore, Australia's market and trade characteristics are distinct from the EU, which is one of the world's largest import markets for fish products. As a result, the EU's regulation may not be the most appropriate approach for addressing Illegal, Unreported and Unregulated (IUU) fishing from an Australian perspective. Australia will continue to work with regional partners through the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices Including Combating Illegal, Unreported and Unregulated Fishing in the South East Asia Region and continue efforts under the Pacific Island Forum Fisheries Agency to address IUU in the region.

(9) Clause 9ZO of the Fisheries Management Regulations 1992 stipulates the way fish can be processed before being received by a fish receiver. In respect to sharks the clause states that no caudal lobe, dorsal, pectoral or caudal fin can be removed before being received by a fish receiver.

(a) AFMA has in place a comprehensive intelligence driven, risk based targeted domestic compliance program. Shark finning, along with other matters identified as posing risks to the integrity of AFMA's fisheries management arrangements, are monitored and treated by AFMA as part of its compliance program which includes targeted field inspections. These inspections of vessels and fish receiver premises are conducted based on risk analysis and relevant intelligence information holdings. These inspections monitor compliance levels against all Commonwealth fisheries management arrangements, including the landing and receipt of sharks. Since 2008 AFMA has investigated five specific matters concerning allegations of illegal shark finning.

(b) Field inspections conducted by AFMA are multi functional and not species specific. Consequently each inspection has the potential to detect illegal shark finning activities. The following table provides the breakdown on the total number of domestic field inspections covering all Commonwealth fisheries by financial year up to 30 June 2012.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>476</td>
</tr>
<tr>
<td>2009/10</td>
<td>269</td>
</tr>
<tr>
<td>2010/11</td>
<td>216</td>
</tr>
<tr>
<td>2011/12</td>
<td>200</td>
</tr>
<tr>
<td>Grand Total</td>
<td>1161</td>
</tr>
</tbody>
</table>
(c) For the period 1 July 2008 to 30 June 2012 there was one breach recorded in relation to shark finning with the master of one fishing vessel being prosecuted and convicted. In this case the master was fined $4,000 plus court costs.

(d) Not applicable.

(e) Since 1 July 2008 AFMA has seized 24.1 kilograms of shark fin from one domestic operator.

(10)(a) The following table details the number of sightings of foreign fishing vessels and the number of illegal fishing vessels apprehended in the Australian Fishing Zone (AFZ) from 1 July 2008 to 30 June 2012. The sightings data does not reflect the actual number of illegal boats because it includes multiple sightings of the same vessels made on consecutive surveillance flights, sightings of fishing vessels legitimately transiting the AFZ and sightings of Indonesian sail powered vessels transiting to and from an area of waters inside the AFZ where they are permitted to fish.

Vessel Sightings and Apprehensions (to 30 June 2012)

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Sightings south of the PFSEL</th>
<th>Total Apprehensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>225</td>
<td>27</td>
</tr>
<tr>
<td>2009/10</td>
<td>267</td>
<td>23</td>
</tr>
<tr>
<td>2010/11</td>
<td>193</td>
<td>14</td>
</tr>
<tr>
<td>2011/12</td>
<td>192</td>
<td>12</td>
</tr>
</tbody>
</table>

Note: The Provisional Fisheries Surveillance and Enforcement Line (PFSEL) is a median line negotiated in 1981 between Australia and Indonesia to delimitate overlapping claims to Exclusive Economic Zones by both countries in waters north of Australia. Australia has undertaken not to exercise jurisdiction for fisheries surveillance and enforcement purposes in respect to swimming fish species north of the PFSEL against Indonesian licensed vessels.

(b) The following table details the number of vessels apprehended and the number of those vessels which were found to have shark product found on board for the period 1 July 2008 to 30 June 2012.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Apprehensions</th>
<th>Number with shark product on board</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td>27</td>
<td>10</td>
</tr>
<tr>
<td>2009/10</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td>2010/11</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>2011/12</td>
<td>12</td>
<td>7</td>
</tr>
</tbody>
</table>

(c) No reliable data is available to determine the total quantity of shark fin taken illegally by foreign fishing vessels. The table below, however, provides details on the quantity of shark product found onboard those foreign vessels apprehended inside the AFZ.

<table>
<thead>
<tr>
<th>Year</th>
<th>2008/09</th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/09</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009/10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2010/11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2011/12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Quantity of Shark Products Found on Board (to 30 June 2012)

<table>
<thead>
<tr>
<th>Weight/Quantity</th>
<th>2008/09</th>
<th>2009/10</th>
<th>2010/11</th>
<th>2011/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole Sharks</td>
<td>4600</td>
<td>364</td>
<td>15</td>
<td>39</td>
</tr>
<tr>
<td>Shark Heads/Jaws</td>
<td>0</td>
<td>20</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Shark Fin</td>
<td>132</td>
<td>7</td>
<td>227</td>
<td>0</td>
</tr>
<tr>
<td>Shark Meat/Fillet</td>
<td>13</td>
<td>0</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Shark Cartilage</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Shark &amp; Fish</td>
<td>3000</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

1 The catch data is collated during the initial boarding at sea at the time of the apprehension.
2 Weights and quantities provided are estimates provided by the boarding officer and have not been verified.

3 Catch numbers and amounts are exclusive; catch is reported either by number or by weight.

4 No information is available to split this data between fish and shark products.

(d) The species composition of sharks taken by foreign fishing vessels inside the Australian Fishing Zone will vary depending on the location of the fishing activity and the type of fishing gear being used, however the main species taken by foreign fishing vessels in order of volume are Silky Shark, Blue Shark and Black Tip Shark.

(11) (a) Shark fisheries in waters off northern Australia are managed through joint authority arrangements between the Commonwealth, Queensland, Northern Territory (NT) and Western Australian governments. Through the joint authority arrangements, the States/NT have assumed responsibility for day to day management and this includes the enforcement of the relevant State/NT laws under which the fisheries are managed. In the Northern Territory the Police are the responsible agency for the enforcement of NT fisheries laws.

In other parts of Australia where the Commonwealth has jurisdiction over shark fishing AFMA has imposed a range of measures to address the risk of shark finning. These include the introduction of possession limits on the number of shark carcases which can be carried on board vessels and restrictions on the extent to which processing can be conducted at sea and the form in which fish processors are permitted to receive shark.

AFMA, through its general deterrence program, conducts targeted inspections of both Commonwealth endorsed fishing vessels and fish receiver premises to monitor compliance levels with a range of Commonwealth fisheries management arrangements (including the landing and receipt of shark carcases).

(b) Between 2008-09 and 2011-12 AFMA's risk assessment rating associated with shark finning has declined. This is based on data analysis on catch landings and exports, the lack of credible evidence gleaned from investigations conducted into allegations of shark finning, a reduction in intelligence reports and allegations relating to shark finning and the low incidence of matters detected during targeted field operations.

(c) not applicable.

Climate Change
(Question No. 1902)

Senator Abetz asked the Minister for Human Services, upon notice, on 25 June 2012:

How many recipients of Clean Energy Future Household Assistance Package payments have been found to be:

(a) deceased; (b) living outside Australia; and (c) not eligible for such a payment.

Senator Kim Carr: The answer to the honourable senator's question is as follows:

(a) Clean Energy Advance payments were not made to known deceased customers. It is possible a payment may have been paid to a deceased customer where the department had not been advised of the death before the determination for payment was made.

(b) Household Assistance legislation does not provide for Clean Energy Advance payments to be paid to individuals that are permanently or temporarily outside of Australia at the time of determining eligibility for payment. For those customers temporarily overseas, the legislation does provide for customers to be assessed for eligibility for the Clean Energy Advance payment upon return to Australia.

The department paid a Clean Energy Advance payment to around 6.5 million customers between May and June 2012. The Department has a suite of robust integrity checks. These checks have detected
that around 31 customers were outside of Australia at the time of payment and were not reported as overseas at the time they were paid a Clean Energy Advance. Some of these customers have since returned to Australia and are eligible for payment. The remaining customers will be assessed for eligibility for payment upon their return to Australia and most will be eligible for a payment. The actual payment amount is based on the number of days remaining between the date returned to Australia and the end of the Clean Energy Advance period. Where it is found the customer was not eligible for payment, a debt may be raised in relation to the Clean Energy Advance and other pensions, family payments or income support payments, depending on the circumstances.

(c) Aside from the potential customer cohort identified above in (b), there are no known instances where a customer that has been paid a Clean Energy Advance has subsequently been found not to be eligible.

**Australian National University Student Union**

*(Question No. 1903)*

**Senator Abetz** asked the Minister for Tertiary Education, Skills, Science and Research, upon notice, on 25 June 2012:

Given that the Australian National University Student Union has used funds acquired under compulsory student unionism to purchase jelly beans for a free giveaway: (1) Is the Government's reintroduction of compulsory student unionism being implemented as intended. (2) Did the Government envisage the spending of funds on jelly beans. (3) Does the Government consider this an appropriate use of funds acquired in accordance with compulsory student unionism.

**Senator Chris Evans:** The answer to the honourable senator's question is as follows:

The Government has not reintroduced compulsory student unionism. Universities are prohibited under the Higher Education Support Act 2003 (the Act) from requiring students to become members of student organisations or to pay fees in respect of those organisations.

**Fair Work Australia**

*(Question No. 1905)*

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

Does the Government support the findings of Fair Work Australia's report into the Health Services Union.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Government is confident that Fair Work Australia conducted independent investigations into the Victoria No. 1 Branch and the National Office of the Health Services Union (HSU). The Government has publicly stated that it is a matter for the Courts to determine whether the breaches of the Fair Work (Registered Organisations) Act 2009 or the rules of the HSU have occurred.

**Employment and Workplace Relations**

*(Question No. 1907)*

**Senator Abetz** asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012

With reference to the Incoming Minister brief that was released following a question on notice, which contained a Hot Issue brief on the implementation of Government policy in line with changes to
the Labor Party policy platform, what changes to the Fair Work Act 2009 are being pursued by the Government outside the current review process.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Government is constantly considering the operation of the Fair Work Act and whether the operation of the Act can be improved. As part of this approach, the Government is considering the recommendations of the independent Fair Work Review panel.

**Employment and Workplace Relations**

(Question No. 1910)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

With reference to the answer to question on notice no. 1570 (Senate Hansard, 8 May 2012, p. 2802), which states 'as the investigations are completely independent of the Government, the Government will consider the findings of the KPMG review before deciding whether to comment publicly on this matter': (1) Given this comment, what prompted the Minister's announcement of changes to the Fair Work (Registered Organisations) Act 2009. (2) Will the Government make any further changes following the KPMG report.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) The comment relates to a question on notice (no. 1570) about the length of time taken by Fair Work Australia to complete investigations. In light of the release of the Fair Work Australia reports on the investigations into the Victoria No. 1 Branch and the National Office of the Health Services Union, the Government considered it appropriate to announce amendments to the Fair Work (Registered Organisations) Act 2009 in order to improve financial disclosure and transparency rules, provide for targeted training in financial management, and quickly restore public confidence in the general operation of registered organisations.

(2) The Government has committed to examine the KPMG Review report when finalised and implement any additional changes that may be required as a result of that Review.

**Employment and Workplace Relations**

(Question No. 1911)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

With reference to the statement made during question time on 19 March 2012, that the Minister would 'draw it [the Fair Work Australia report into the Health Services Union] to the attention of the ATO [Australian Taxation Office]': (1) Was the report referred to the ATO; if not, why not. (2) Did the Minister refer the report to any other agency.

**Senator Ludwig:** The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) On 19 March, the ATO advised my office that they were aware of the report into the Victorian No. 1 Branch of the Health Services Union and as such it was not necessary to refer it to them.

(2) No. The report was made publicly available on the Senate Standing Committees on Education, Employment and Workplace Relations website on 7 May 2012.
Questions on Notice

Fair Work Australia
(Question No. 1914)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

Has the Minister received a copy of the Fair Work Act Review; if so, is the Minister confident that it will satisfy the requirements of an Office of Best Practice Regulation post-implementation review.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Fair Work Act Review report was provided to me on 15 June 2012. The report was assessed by the Office of Best Practice Regulation as meeting the best practice regulation requirements for a post-implementation review prior to being provided to me.

Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012
(Question No. 1916)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

With reference to the Government's amendment to the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012:

(a) who was consulted prior to the amendment being circulated; and
(b) which stakeholders supported the amendment.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable Senator's question:

The Government consulted with a number of stakeholders, prior to the amendments being circulated. Details of those consultations remain a matter between the Government and the stakeholders.

Employment and Workplace Relations
(Question No. 1921)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

In regard to the Minister's address to the ACTU Congress on 18 June 2012, which made reference to a list that the Government had 'ticked off', can details be provided of what else on this list the Government plans on legislating.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

The Minister did not address the ACTU Congress on 18 June 2012.

Employment and Workplace Relations
(Question No, 1922)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

(1) Is the Minister aware of the Howe Inquiry.
(2) Given that the report based many of its findings on the Race to the Bottom: Sham Contracting in Australia's Construction Industry report released by CFMEU Construction and General, which was subsequently discredited by the Australian Building and Construction Commission (ABCC) review into sham contracting, does the Minister agree with the ABCC's findings or with the Australian Council of Trade Unions report.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) Yes, I am aware of the Howe Inquiry.
(2) The Government is currently considering the Howe Inquiry report and its recommendations.

Employment and Workplace Relations
(Question No. 1923)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

With reference to the promise made by the Treasurer in the 2011–12 Federal Budget, that the Government would create half a million jobs:

(a) how many jobs have been created; and
(b) how many will be created.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answers to the honourable senator's questions:

(a) In contrast to most developed economies, Australia's labour market has performed strongly since the onset of the global financial crisis. Australian employment has grown by around 800,000 persons since late 2007, while the rest of the world has shed over 25 million jobs, in net terms, over the same period.

(b) The Government's employment forecasts were updated in the 2012–13 Budget released on 8 May 2012. Over the two years to the June quarter of 2014 and in net terms, 360,000 jobs are expected to be created.

Fair Work Australia
(Question No. 1924)

Senator Abetz asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 25 June 2012:

In regard to the Fair Work Australia (FWA) investigation into the Health Services Union and the Government's response: (1) What is the policy justification for allowing FWA to wholly outsource inquiries that it has been asked to conduct. (2) Does the Minister agree that FWA cannot cooperate with police. (3) With reference to a letter from a Detective Sergeant of the Victorian Fraud and Extortion Squad, which stated that FWA's advice was based on 'misconceived understanding', does the Minister believe FWA can cooperate with police; if not, why not.

Senator Ludwig: The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator's question:

(1) The Fair Work (Registered Organisations) Amendment Act 2012 (the Amending Act) amended the Fair Work (Registered Organisations) Act 2009 (the RO Act) to provide that the General Manager (GM) of Fair Work Australia (FWA) can delegate her or his inquiry or investigation powers under sections 330, 331, 332 and 333 to a member of FWA staff who is an SES employee or acting SES employee or to any other person or body that the GM is satisfied has substantial or significant
experience or knowledge in accounting, auditing, financial reporting or conducting compliance audits or investigations.

This amendment will ensure that, where necessary, the GM is able to utilise a range of skills and qualifications which may not be readily available in FWA in conducting his/her investigation and inquiry function. However, a number of safeguards are included to ensure accountability where the inquiry or investigation function is delegated, for example whilst the delegate of the GM will be able to obtain information in the same way as the GM, a notice to produce or attend to provide information will only be able to be issued by the GM or a Senior Executive Service employee. Further, the decision as to whether to take further action following an investigation will remain with the GM.

(2) and (3) Following the passage of the Amending Act there is now no doubt that the GM can disclose certain information to relevant law enforcement agencies. In this regard the Amending Act:

(a) inserted an explicit power for the GM to disclose information obtained during an investigation that is likely to assist in the administration or enforcement of a law of the Commonwealth, a State or Territory; and

(b) amended paragraph 336(2)(c) of the RO Act to explicitly provide that following an investigation the GM of FWA can refer a matter to police for action in relation to possible criminal offences.

Prior to these amendments legal advice provided by the Australian Government Solicitor to the GM, which was publicly released by the GM, raised doubts as to the extent to which she could refer material to police.

**Agriculture, Fisheries and Forestry**

(Question No. 1925)

Senator Whish-Wilson asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 25 June 2012:

With reference to media reports that the company Seafish Tasmania Pty Ltd (Seafish) is seeking to bring the ‘super trawler’ Margaris to Tasmania, to be docked at Devonport in order to fish in the Commonwealth Small Pelagic Fishery:

(1) Has the Commonwealth recently increased the Total Allowable Catch (TAC) for this fishery; if so, when and by how much.

(2) What data did the Commonwealth rely upon to increase the quota and when was this data last updated.

(3) Is the data reviewed according to the precautionary principle before there are any alterations in the TAC.

(4) Have there been any written or verbal discussions between the Tasmanian and Commonwealth governments regarding this company, its trawler proposal and the TAC in the fishery.

(5) Have there been any discussions between Seafish and the Australian Fisheries Management Authority (AFMA) regarding the trawler proposal or the TAC; if so, has the Minister been involved in or informed of these discussions.

(6) Have Seafish or AFMA consulted with commercial or recreational fishers in Tasmania about the trawler proposal; if so, what was the outcome.

(7) Has modelling been done on the impact of the trawler on Tasmanian fisheries.

Senator Ludwig: The answer to the honourable senator's question is as follows:

(1) The combined total allowable catches in the Small Pelagic Fishery for 2012-13 are
36 300 tonnes; an increase of 6 000 tonnes from the 2011-12 combined total allowable catches of 30 300 tonnes. The total allowable catch for some species increased while others decreased. The biggest change was jack mackerel east which increased from 4 600 tonnes in 2011-12 to 10 100 tonnes.

(2) The total allowable catch for jack mackerel east was increased on the basis of the report 'Application of daily egg production to estimate biomass of jack mackerel' by the Institute of Marine and Antarctic Studies, University of Tasmania (2011).

(3) Data is reviewed by the Small Pelagic Fishery Resource Assessment Group before it recommends total allowable catches for species and regions each season. The Small Pelagic Fishery Harvest Strategy, which is used in the catch setting process, is precautionary taking into consideration both species productivity and broader ecosystem impacts. The total allowable catch for jack mackerel east was set at less than 7.5% of the estimated spawning biomass for the 2012-13 season. If the total allowable catches for all species and regions are taken in full in the 2012-13 season, at least 90 per cent of the estimated spawning stock biomass will remain for future years.

(4) AFMA regularly communicates with state counterparts about routine fisheries management issues. State representatives are invited to attend meetings of resource assessment groups and management advisory committees which provide advice to the AFMA Commission. A permanent observer from the Tasmanian Government attended the meeting of the Small Pelagic Fishery Resource Assessment Group where the allowable catches for 2012-13 were considered.

(5) Seafish Tasmania has discussed with AFMA the possible operation of the FV Margiris in the Commonwealth Small Pelagic Fishery. I have been briefed on the discussions AFMA has held with Seafish Tasmania. I note AFMA is yet to receive an application and AFMA has not made any undertakings in regard to the Margiris operating in Australian waters.

(6) AFMA meets with recreational fishers and commercial fishers often on a number of matters. It is not the role of government to comment on commercial consultations.

(7) Catches of commercially targeted species in the Small Pelagic Fishery are limited to total allowable catches which apply regardless of the size of vessels used in the fishery. Therefore, should the Margiris operate in the fishery it will not be able to take catches greater than the total allowable catches set each season. In addition should the vessel operate in the fishery it will be subject to all domestic fishery management arrangements imposed by AFMA. These include catch limits, requirements for carrying AFMA observers to monitor fishing activities and the use of bycatch mitigation equipment, such as seal excluder devices.

**Immigration and Citizenship**

*(Question No. 1928)*

Senator Humphries asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 26 June 2012:

With reference to partner visa applications:

(1) How many (a) individuals; and (b) women, are currently on the waiting list for a Partner (Provisional) (Class UF) visa

(2) From which countries do these individuals come

(3) What is the average waiting period for this visa

(4) What are the fees paid to the Department for processing applications for this visa

(5) How many departmental staff are engaged in processing the applications

(6) How many applications have been received from Australian citizens

(7) Is priority given to Australian citizens
(8) Is there an internal review process for applications that are rejected at the first instance; if not, why not.

(9) What is the cause of delays in processing applications for this visa.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

As at 30 June 2012, there were 14,245 primary applicants for a Class UF Provisional Partner visa awaiting an outcome on their application. Of those, 9,889 are females.

Appendix A provides the breakdown by citizenship for the 14,245 Provisional Partner visa applicants currently awaiting finalisation of their applications.

The average processing time of a Provisional Partner visa application for the 2011–12 program year was 204.7 days.

As at 1 July 2012 the Visa Application Charge (VAC) for a combined Partner visa application is $2060. This covers both the subclass 309 and 100 applications.

In February 2012, there were approximately 221 decision makers in the overseas environment making decisions on Partner category visa applications. 126 of these were Australian based officers, while the remainder 95 were locally engaged officers.

The Department cannot report on the number of staff who only process Provisional Partner visa applications. This is because operational demands at posts vary constantly and officers may work on more than one visa caseload at any one time.

Departmental records indicate that for the program year 2011–2012, the Department received 12,966 Partner visa applications involving an Australian citizen sponsor.

Priority is not given to Australian citizens. In accordance with Ministerial Direction 43 (the Direction), applications are processed in the order in which they are received. The Direction allows for applications to be given priority processing if compelling or compassionate circumstances exist. However, there is no provision to prioritise an application on the basis that the sponsor is an Australian citizen.

The Department’s former internal review body, the Migration Internal Review Office (MIRO), was abolished in 1999, leaving the migration sector with a single tier of merits review. The abolition of the MIRO was the result of a desire to reduce review process times and increase resource efficiency.

The general rule is that a decision of a primary decision-maker to refuse a visa application can be reviewed by the Migration Review Tribunal, Refugee Review Tribunal or Administrative Appeals Tribunal if the application is made in Australia or if the visa applicant has an Australian citizen or permanent resident sponsor.

While the Department aims to finalise applications within the advertised service standards, a number of factors may delay the processing of a Partner category visa application. These include:

- demand for visas exceeding the migration program planning levels set by the government for each program year;
- health and character checks, which involve other agencies and which the Department has no jurisdiction over; and
- incomplete applications which require multiple follow ups with the applicant.

---

1 By lodging an application for a Provisional (Subclass 309) (Class UF visa, applicants automatically also apply for the Permanent (Subclass 100) (Class BC) visa.
Current service standards, as advertised on the Department’s website are 5 months for Low risk countries and 12 months for high risk countries. ‘Low risk’ applies to nationals from countries which issue Electronic Travel Authority (ETA) eligible passports; high risk countries are those which are not ETA eligible.

Appendix A

Breakdown of Partner visa applications awaiting finalisation (by citizenship)

<table>
<thead>
<tr>
<th>Citizenship</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>357</td>
<td>223</td>
<td>580</td>
</tr>
<tr>
<td>Albania</td>
<td>15</td>
<td>8</td>
<td>23</td>
</tr>
<tr>
<td>Algeria</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Argentina</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Armenia</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Austria</td>
<td>14</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Bahrain</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>243</td>
<td>25</td>
<td>268</td>
</tr>
<tr>
<td>Barbados</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Belarus</td>
<td>11</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>Belgium</td>
<td>7</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Bolivia</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Bosnia-Herzegovina</td>
<td>18</td>
<td>15</td>
<td>33</td>
</tr>
<tr>
<td>Botswana</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Brazil</td>
<td>27</td>
<td>22</td>
<td>49</td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Burma (Myanmar)</td>
<td>29</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Burundi</td>
<td>3</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Cambodia, the Kingdom of</td>
<td>81</td>
<td>38</td>
<td>119</td>
</tr>
<tr>
<td>Cameroon</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Canada</td>
<td>145</td>
<td>78</td>
<td>223</td>
</tr>
<tr>
<td>Chile</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>China, Peoples Republic of</td>
<td>1202</td>
<td>473</td>
<td>1675</td>
</tr>
<tr>
<td>Colombia</td>
<td>35</td>
<td>9</td>
<td>44</td>
</tr>
<tr>
<td>Congo</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Cote d'Ivoire</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Croatia</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Cuba</td>
<td>2</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Cyprus</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>9</td>
<td>4</td>
<td>13</td>
</tr>
<tr>
<td>Dem Republic Of Timor-Leste</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Democratic Republic of Congo</td>
<td>8</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Denmark</td>
<td>6</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>Djibouti</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Ecuador</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Egypt, Arab Republic of</td>
<td>67</td>
<td>47</td>
<td>114</td>
</tr>
<tr>
<td>El Salvador</td>
<td>11</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Citizenship</td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------</td>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>Eritrea</td>
<td>24</td>
<td>5</td>
<td>29</td>
</tr>
<tr>
<td>Estonia</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>94</td>
<td>69</td>
<td>163</td>
</tr>
<tr>
<td>Fed. States of Micronesia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Fiji</td>
<td>75</td>
<td>46</td>
<td>121</td>
</tr>
<tr>
<td>Finland</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Fmr Yugo Rep of Macedonia</td>
<td>40</td>
<td>34</td>
<td>74</td>
</tr>
<tr>
<td>France</td>
<td>46</td>
<td>47</td>
<td>93</td>
</tr>
<tr>
<td>Gambia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Georgia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Germany, Federal Rep. Of</td>
<td>62</td>
<td>44</td>
<td>106</td>
</tr>
<tr>
<td>Ghana</td>
<td>23</td>
<td>28</td>
<td>51</td>
</tr>
<tr>
<td>Greece</td>
<td>40</td>
<td>68</td>
<td>108</td>
</tr>
<tr>
<td>Guatemala</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Guinea</td>
<td>6</td>
<td>7</td>
<td>13</td>
</tr>
<tr>
<td>Guyana</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Haiti</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>HKSAR of the PRC</td>
<td>68</td>
<td>28</td>
<td>96</td>
</tr>
<tr>
<td>Honduras</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Hungary</td>
<td>15</td>
<td>9</td>
<td>24</td>
</tr>
<tr>
<td>India</td>
<td>2200</td>
<td>281</td>
<td>2481</td>
</tr>
<tr>
<td>Indonesia</td>
<td>233</td>
<td>56</td>
<td>289</td>
</tr>
<tr>
<td>Iran</td>
<td>78</td>
<td>38</td>
<td>116</td>
</tr>
<tr>
<td>Iraq</td>
<td>120</td>
<td>110</td>
<td>230</td>
</tr>
<tr>
<td>Irish Republic</td>
<td>62</td>
<td>77</td>
<td>139</td>
</tr>
<tr>
<td>Israel</td>
<td>13</td>
<td>21</td>
<td>34</td>
</tr>
<tr>
<td>Italy</td>
<td>27</td>
<td>43</td>
<td>70</td>
</tr>
<tr>
<td>Jamaica</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Japan</td>
<td>101</td>
<td>14</td>
<td>115</td>
</tr>
<tr>
<td>Jordan</td>
<td>17</td>
<td>18</td>
<td>35</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>7</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Kenya</td>
<td>35</td>
<td>18</td>
<td>53</td>
</tr>
<tr>
<td>Kiribati</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Korea, Republic of</td>
<td>44</td>
<td>18</td>
<td>62</td>
</tr>
<tr>
<td>Kosovar</td>
<td>2</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Kuwait</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Lao Peoples Democratic Rep.</td>
<td>8</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>Latvia</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Lebanon</td>
<td>98</td>
<td>199</td>
<td>297</td>
</tr>
<tr>
<td>Liberia</td>
<td>10</td>
<td>22</td>
<td>32</td>
</tr>
<tr>
<td>Libya</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Lithuania</td>
<td>7</td>
<td>7</td>
<td>14</td>
</tr>
<tr>
<td>Macau Spec Admin Rgn</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Malawi</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Malaysia</td>
<td>51</td>
<td>19</td>
<td>70</td>
</tr>
<tr>
<td>Mali</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Malta</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Mauritania</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Mauritius</td>
<td>11</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>Citizenship</td>
<td>Female</td>
<td>Male</td>
<td>Total</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------</td>
<td>------</td>
<td>-------</td>
</tr>
<tr>
<td>Mexico</td>
<td>20</td>
<td>8</td>
<td>28</td>
</tr>
<tr>
<td>Moldova</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Mongolia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Montenegro</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Morocco</td>
<td>23</td>
<td>9</td>
<td>32</td>
</tr>
<tr>
<td>Namibia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Nepal</td>
<td>125</td>
<td>33</td>
<td>158</td>
</tr>
<tr>
<td>Netherlands</td>
<td>15</td>
<td>24</td>
<td>39</td>
</tr>
<tr>
<td>New Caledonia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>New Zealand</td>
<td>1</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Nigeria</td>
<td>22</td>
<td>30</td>
<td>52</td>
</tr>
<tr>
<td>Norway</td>
<td>11</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Pakistan</td>
<td>366</td>
<td>182</td>
<td>548</td>
</tr>
<tr>
<td>Palestinian Authority</td>
<td>10</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Panama</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>34</td>
<td>12</td>
<td>46</td>
</tr>
<tr>
<td>Paraguay</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Peru</td>
<td>19</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>Philippines</td>
<td>740</td>
<td>97</td>
<td>837</td>
</tr>
<tr>
<td>Poland</td>
<td>36</td>
<td>13</td>
<td>49</td>
</tr>
<tr>
<td>Portugal</td>
<td>10</td>
<td>21</td>
<td>31</td>
</tr>
<tr>
<td>Refugee</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Romania</td>
<td>19</td>
<td>7</td>
<td>26</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>44</td>
<td>5</td>
<td>49</td>
</tr>
<tr>
<td>Rwanda</td>
<td>1</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Samoa</td>
<td>10</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Senegal</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Serbia</td>
<td>34</td>
<td>29</td>
<td>63</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>14</td>
<td>16</td>
<td>30</td>
</tr>
<tr>
<td>Singapore</td>
<td>35</td>
<td>19</td>
<td>54</td>
</tr>
<tr>
<td>Slovakia</td>
<td>13</td>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>Slovenia</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Solomon Islands</td>
<td>10</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Somalia</td>
<td>48</td>
<td>60</td>
<td>108</td>
</tr>
<tr>
<td>South Africa, Republic of</td>
<td>31</td>
<td>28</td>
<td>59</td>
</tr>
<tr>
<td>South Sudan</td>
<td>27</td>
<td>2</td>
<td>29</td>
</tr>
<tr>
<td>Spain</td>
<td>23</td>
<td>16</td>
<td>39</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>259</td>
<td>77</td>
<td>336</td>
</tr>
<tr>
<td>Stateless</td>
<td>7</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Sudan</td>
<td>91</td>
<td>44</td>
<td>135</td>
</tr>
<tr>
<td>Sweden</td>
<td>27</td>
<td>12</td>
<td>39</td>
</tr>
<tr>
<td>Switzerland</td>
<td>13</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>Syria</td>
<td>18</td>
<td>20</td>
<td>38</td>
</tr>
<tr>
<td>Taiwan</td>
<td>31</td>
<td>9</td>
<td>40</td>
</tr>
<tr>
<td>Tanzania</td>
<td>3</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Thailand</td>
<td>430</td>
<td>25</td>
<td>455</td>
</tr>
<tr>
<td>Tonga</td>
<td>9</td>
<td>9</td>
<td>18</td>
</tr>
</tbody>
</table>
Citizenship | Female | Male | Total
---|---|---|---
Trinidad and Tobago | 1 | 1 | 10
Tunisia | 3 | 7 | 59
Turkey | 25 | 34 | 9
Uganda | 6 | 3 | 9
Ukraine | 18 | 10 | 28
UN Convention Refugee | 2 | 4 | 6
United Arab Emirates | 1 | 1 | 1
United Kingdom | 454 | 663 | 1117
United States of America | 150 | 187 | 337
Unknown | 1 | 1 | 1
Uruguay | 1 | 1 | 2
Uzbekistan | 12 | 12 | 681
Vanuatu | 1 | 2 | 3
Venezuela | 5 | 1 | 6
Vietnam | 8 | 4 | 12
Yemen | 9 | 8 | 17
Zambia | 9 | 8 | 17
Zimbabwe | 15 | 15 | 30
Total | 9889 | 4356 | 14245

**Defence: Procurement**

*(Question No. 1934)*

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 27 June 2012:

With reference to procurement procedures undertaken by the department to implement the following initiatives:

- appointing independent probity advisors for all significant, complex procurements,
- establishing a Centre of Excellence to support a more robust and consistent commercial approach to Non-Equipment Procurement (NEP),
- establishing the position of Non-Equipment Chief Procurement Officer (NECPO) on 1 July 2010, to provide high-level advice and assistance to all groups and services, and to endorse all NEP spending proposals valued over $1 million as a pre-requisite to proposal approval,
- scoping a whole-of-portfolio sourcing approach for various categories of NEP,
- establishing a working group of NEP stakeholders to coordinate and resolve issues arising from the implementation of the new arrangements,
- launching a new NEP website on 17 August 2010, providing a single access point for policy and process guidance,
- establishing a single, simple procurement business centre on 1 February 2011, into which all simple procurements will be transitioned over the next 2 years,
- the application of a gate review process for major acquisition projects across the department, focussing on important procurement process and probity issues relevant to a particular ‘gate’,
- the engagement of expert procurement teams with lead responsibility for major acquisition projects,
- the agreement and implementation of a NEP category management model for specific types of NEP,
- the introduction of implementation status reporting requirements for all major NEPs,
improved stakeholder advice and assistance services, including publication of the Defence annual procurement plan on AusTender to provide greater transparency of planned NEPs, and an advisory role for the NECPO in the drafting of tender documentation, publishing on AusTender and evaluating tenders, and

implementing strategies for the recruitment and retention of suitably skilled procurement professionals.

(1) Which of the above initiatives have been fully implemented and on what dates.

(2) Have any of the above initiatives not yet been fully implemented; if so, which initiatives and why.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) The following initiatives have been implemented:

- appointing independent probity advisors for all significant, complex procurements –

  Probity advisors are engaged on a case by case basis dependent on the risk, complexity and value of the procurement. This is an ongoing requirement. Defence refers to probity guidance that is included in the Defence Procurement Policy Manual; Australian National Audit Office Better Practice Guide Fairness and Transparency in Purchasing Decisions; and the Department of Finance and Deregulation’s Buying for the Australian Government, Ethics and Probity in Procurement.

- establishing a Centre of Excellence to support a more robust and consistent commercial approach to Non-Equipment Procurement (NEP) –

  The NEP Centre of Excellence (COE) was established in Defence Support Group (DSG) on 1 July 2010 and offers procurement support and advice for procurement activities conducted across Defence. The COE (recently renamed to the Defence Procurement and Contracting Branch (DPCB)) provides support to ensure more robust and consistent commercial approaches within the procurement activity it supports across the Department.

- establishing the position of Non-Equipment Chief Procurement Officer (NECPO) on 1 July 2010, to provide high-level advice and assistance to all groups and services, and to endorse all NEP spending proposals valued over $1 million as a pre-requisite to proposal approval –

  The Non-Equipment Chief Procurement Officer (NECPO) position was established on 1 July 2010. For the period March – June 2012, 40 requests for endorsement of spending proposals valued over $1 million were received. From 2 July 2012, as a result of the implementation of Non Materiel Procurement Shared Services, NECPO has been renamed Defence Chief Procurement Officer (DCPO) and the Non Equipment Procurement and Contracting Branch (NEPCB) has been renamed the Defence Procurement and Contracting Branch (DPCB). In addition to the endorsement of spending proposals over $1 million, all requests to establish Non Materiel Procurement (NMP) standing offer panels will also require endorsement.

- scoping a whole-of-portfolio sourcing approach for various categories of NEP –

  Defence participates in Whole of Government procurement activities such as stationery and travel. In addition, Defence standing offer panels have also been created for office furniture; accommodation furniture and appliances; physical and recreational equipment; MRO hardware and tools; and OH&S.

- establishing a working group of NEP stakeholders to coordinate and resolve issues arising from the implementation of the new arrangements –

  The Working Group was established and the first meeting held on 1 September 2010 with invited stakeholders from Defence Groups and Services. The last meeting to date was held on 10 May 2012.

- launching a new NEP website on 17 August 2010, providing a single access point for policy and process guidance –
The website is established and has, to 2 July 2012, had 47235 hits.

- the application of a gate review process for major acquisition projects across the department, focusing on important procurement process and probity issues relevant to a particular ‘gate’ –


- the engagement of expert procurement teams with lead responsibility for major acquisition projects –

DSG has provided procurement practitioners for major procurement activities such as Defence Force Recruiting, Health and Logistics. Staff are currently working with Defence Legal to implement Defence arrangements under the Attorney-General’s Whole of Australian Government legal multi user list.

- the introduction of implementation status reporting requirements for all major NEPs –

The Defence Support Group Procurement and Contracting Branch maintains internal status reporting for all major non-equipment procurement activity over $1m that it has endorsed or supported.

- improved stakeholder advice and assistance services, including publication of the Defence annual procurement plan on AusTender to provide greater transparency of planned NEPs, and an advisory role for the NECPO in the drafting of tender documentation, publishing on AusTender and evaluating tenders –

DSG compiles and publishes the Defence Annual Procurement Plan on AusTender and also conduct a mid year review and update. DSG staff provide ongoing support to Defence procurements, assisting and advising on the drafting of tender documentation and the publication of these on AusTender. DSG also provide support with the development of tender documentation, evaluation of tenders and contract negotiations.

- implementing strategies for the recruitment and retention of suitably skilled procurement professionals –

The strategy for recruitment and retention of suitably skilled procurement professionals engaged by DSG is to recruit personnel with some procurement skills and provide access to appropriate professional training, on the job training and coaching to increase skill levels to a suitable level. Retention of fully qualified procurement staff is an ongoing issue due to the competitive remuneration available in the private sector. The further introduction of Shared Service Reform allows DPCB the opportunity to fully develop staff skill levels and to provide better career structures for procurement staff wishing to seek advancement in their field of expertise without needing to leave the Group or Defence.

(2) The following initiatives not yet been fully implemented:

- establishing a single, simple procurement business centre on 1 February 2011, into which all simple procurements will be transitioned over the next 2 years –

The business centre was established on 1 February 2011 and is on track to complete the majority of transition by end of December 2012. Under the new shared services arrangements, the centre has transferred to Chief Finance Officer Group. Defence Support Group is continuing to develop and implement an interim electronic forms solution to streamline purchase order processing and to eliminate data entry duplication.

- the agreement and implementation of a NEP category management model for specific types of NEP –

---

QUESTIONS ON NOTICE
The category management model that defines roles, responsibilities and processes has been developed. Following a pilot in the office supplies category which has resulted in significant savings, the model has been refined and will be implemented across specific NMP categories.

**Defence: Heavy Landing Incident**

(Question No. 1936)

Senator Johnston asked the Minister representing the Minister for Defence, upon notice, on 27 June 2012:

With reference to the incident at Darwin airport on Tuesday, 28 February 2012 involving the Adagold Aviation Pty Ltd contracted Middle East Area of Operation (MEAO) aircraft, operated by the carrier Hi Fly:

(1) Can a full and detailed description be provided of the ‘heavy landing’ that occurred during this incident.

(2) Given that the Minister for Transport and Infrastructure provided a very different answer to the one that was provided at the 2011-12 additional estimates hearing of the Rural and Regional Affairs and Transport Committee, stating that the Civil Aviation Safety Authority (CASA) made no inspections of the MEAO contracted aircraft, (question on notice no. 1727, Senate Hansard, 8 May 2012, p. 2862), if CASA did not inspect the two Hi Fly aircraft, why was it said that they did.

(3) Who inspected the aircraft involved in the ‘heavy landing’ incident and what damage was found to have occurred.

(4) For how long was this aircraft out of service.

(5) Given that it was also said that bad weather conditions contributed to the incident, yet weather reports for 28 February 2012 record that it was a fair and clear day with light winds, why was it claimed that bad weather contributed to the ‘heavy landing’.

(6) Can a copy of the Australian Transport Safety Bureau report of the incident be provided.

Senator Bob Carr: The Minister for Defence has provided the following answer to the honourable senator’s question:

(1) On 29 February 2021, MEAO Air Sustainment Aircraft suffered a heavy landing at Darwin Airport, while en-route to the Middle East. The heavy landing was assessed to be due to weather and wind effect. The aircraft completed the landing and proceeded to the terminal without further incident. No injuries were reported as a result of this event.

The replacement aircraft was dispatched to resume the service approximately 24 hours later, in accordance with contractual requirements. The aircraft suffering the heavy landing underwent technical inspection at Darwin.

On 9 March 2012, this aircraft departed Darwin and recovered to a Lufthansa deeper maintenance facility for further detailed investigation and assessment. No damage to the aircraft was found as a result of the landing and it was cleared by the relevant Portuguese and European aviation authorities to resume service on 11 April 2012.

The Australian Transport Safety Bureau continues on investigate the incident in accordance with its standards.

(2) The response made by the Minister for Transport and Infrastructure is correct in that no safety inspection of the MEAO contracted aircraft was made by CASA in relation to the hard landing incident. CASA has conducted a total of four safety inspections since contract commencement in November 2010 and full details are contained in the response to Question on Notice No. 113 taken from the Senate Additional Estimates hearing on 15 February 2012. The Australian Transport Safety Bureau (ATSB) continues to investigate the incident in accordance with its standard procedures.
(3) Initial inspections were undertaken by the aircraft operator Licensed Aircraft Maintenance Engineers (LAME) in accordance with European and national aviation authority regulations. Further detailed inspection was undertaken by LAME at the Lufthansa maintenance facility. No damage was found to have occurred as a result of this incident.

(4) The aircraft was out of service for approximately six weeks, from 29 February 2012 until 11 April 2012. See response to part 1 above for further details.

(5) The Australian Transport Safety Bureau (ATSB) is investigating the incident and a full report is expected in due course.

(6) As at 9 July 2012, the investigation by the ATSB was still ongoing. The report status can be monitored and a copy obtained from the ATSB website (www.atsb.gov.au)

Prime Minister and Cabinet
(Question No. 1951)

Senator Abetz asked the Minister representing the Prime Minister, upon notice, on 28 June 2012:

With reference to the answer to question on notice no. 1867:

(1) What funding has the department provided to supplement the Cabinet Trust Fund in each of the following years: (a) 2008; (b) 2009; (c) 2010; (d) 2011; and (e) 2012, to date.

(2) Have ministers been advised of an increase in the contribution required to cover the increased costs associated with providing catering to Cabinet and its committees.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

I am advised that the answer to the honourable member's question is as follows:

(1) Further to Questions on Notice 1867, 1810 and 1696, and consistent with long standing practice, the Cabinet Trust Fund covers 50 per cent of the costs associated with providing catering to Cabinet and its committees. The remaining costs are met by the department.

(2) Ministers' contributions are sufficient to meet the required contribution to the costs of catering for Cabinet and its committees.

Australian Radiation Protection and Nuclear Safety Agency
(Question No. 1952)

Senator Ludlam asked the Minister representing the Minister for Health, upon notice, on 5 July 2012:

(1) Given the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) as the national Commonwealth regulator does not have jurisdiction outside Australia, why was the agency appointed to coordinate the whole-of-government response to the situation at the Fukushima Daiichi site.

(2) From what open sources does ARPANSA draw information in its monitoring and advice for Australians on the situation at the Fukushima Daiichi site.

(3) From what sources within the Japanese Government does ARPANSA draw information for its monitoring and advice for Australians on the situation at the Fukushima Daiichi site.

(4) Since the 2012-13 Budget estimates hearings in May 2012, has ARPANSA sought detailed knowledge of the status and serious risks posed by the spent fuel pool at Reactor 4 at the Fukushima Daiichi site.
(5) Given that the last advice posted on the ARPANSA website is dated 24 February 2012, and given that the situation in Japan has altered in terms of the reopening of nuclear power plants, when will this advice be updated.

(6) Does ARPANSA have sufficient resources to continue to provide ongoing monitoring and advice to the public and the Government on the ongoing situation at the Fukushima Daiichi site.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

(1) ARPANSA was not the coordinator of the whole-of-government response for Australia to the situation at the Fukushima Dai-ichi nuclear power plant accident. Rather ARPANSA provided advice on radiation protection and nuclear safety to the Department of Foreign Affairs and Trade, Inter Departmental Emergency Task Force (IDETF) and the Australian Government.

(2) ARPANSA has used open sourced information from the Japanese Government, the Independent Investigation Commission and from the operators of the Fukushima nuclear power plants, Tokyo Electric Power Company (TEPCO), to provide advice. In addition ARPANSA used published assessments undertaken by international agencies, such as the International Atomic Energy Agency, the World Health Organization and the French-based Institut de Radioprotection et de Surete Nucleaire. Information was also sourced from internationally reviewed scientific journal publications.

(3) ARPANSA drew information from within the following sectors of Japanese Government for its monitoring and advice for Australians on the situation at the Fukushima Dai-ichi site:

(a) Prime Minister of Japan and His Cabinet;
(b) Food Safety Commission;
(c) Ministry of Education, Culture, Sports, Science and Technology;
(d) Ministry of Health, Labour and Welfare;
(e) Ministry of Agriculture, Forestry and Fisheries;
(f) Ministry of Economy, Trade and Industry; and
(g) Nuclear and Industrial Safety Agency.

(4) Yes.

(5) ARPANSA updated its web advisory on Fukushima on 6 July 2012 confirming that the safety situation at the Fukushima Dai-Ichi site remains unchanged.

(6) Yes.

Health and Ageing
(Question No. 1953)

Senator Ludlam asked the Minister representing the Minister for Health, upon notice, on 5 July 2012:

Given evidence provided to the 2011-12 additional estimates hearing of the Economics Legislation Committee on 15 February 2012 by Mr Carl Magnus Larsson, the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), regarding a KPMG review of a report by the audit and fraud unit of the Department of Health and Ageing into the possible influence on a 2007 Yttrium-90 investigation as a result of a relationship between Australian Nuclear Science and Technology Organisation (ANSTO) staff and someone at ARPANSA:

1) Was the report delivered by KPMG to ARPANSA by the end of March 2012 as envisaged.
2) What terms of reference were provided to KPMG.
3) What amount was KPMG paid to conduct this review.
4) Will ARPANSA make the report public; if not, why not.

Senator Ludwig: The Minister for Health has provided the following answer to the honourable senator's question:

1) No, the KPMG Report was delivered to ARPANSA on 19 June 2012.
2) The terms of reference provided to KPMG by ARPANSA were that KPMG was to:
   - provide ARPANSA with an independent report into its handling of the contamination incidents at ANSTO with a view to giving ARPANSA a clear understanding of any contamination incidents which may have occurred on 3 September 2007; and
   - The aim of this independent review was to reach conclusions about exactly what happened and what lessons could be learned from the experience.
3) $75,000.
4) Yes, the report was released under a Freedom of Information (FOI) request on 16 July 2012 and a redacted version of the report is available on the FOI disclosure log section of ARPANSA’s website at link: www.arpansa.gov.au/AboutUs/disclosure.cfm

Burma
(Question No. 1954)

Senator Ludlam asked the Minister for Foreign Affairs, upon notice, on 5 July 2012:

1) Is the Government providing any financial, technical, preliminary or drafting support towards a regulatory framework for Burma's extractive industries sector:
   (a) if so: (i) which government agency is responsible, (ii) what type of assistance is being provided and at what cost, and (iii) how many staff are assigned to the task; and
   (b) if not, given there has been a request from the Burmese Government for this type of assistance: (i) have there been any discussions within Australia towards providing support, and (ii) has the Government discussed the provision of this assistance with other members of the international community.

2) With the increase in Australian aid to Burma, and the commitment to increasing this assistance to $100 million in 2015 is Australia looking to establish a formalised aid agreement with the Burmese Government; if so:
   (a) what would this agreement include; and
   (b) does the Government intend to provide financial assistance directly to Burmese government departments.

Senator Bob Carr: The answer to the honourable senator's question is as follows:

1) No.
   (a) N/A.

   (b) (i) Yes, but analysis of the state of the Burmese extractive industries sector and the prospects for reform is required to inform these discussions. This work is currently under development. (ii) The Government has regular discussions with bilateral donors regarding programs in Burma. In the course of these discussions, some donors have raised the prospect of supporting reform in Burma's extractive industries sector.

2) Yes.
   (a) The agreement would establish the framework under which Australian aid projects are implemented. It would outline the responsibilities of both governments with respect to the aid program, including: how the governments would coordinate the aid program; aid program personnel; review and
evaluation; and facilitating supplies and professional and technical material. It would specify the legal obligations of both governments relating to: tax exemptions; liability; intellectual property rights; security; and transportation costs.

(b) Not at this time.

**Resources and Energy and Tourism**

(Question No. 1955)

**Senator Ludlam** asked the Minister for Resources and Energy, upon notice, on 5 July 2012:

(1) Is the Minister aware of the 29 June 2012 report (ntnews.com.au) regarding the Deputy Secretary of the Department of Resources, Energy and Tourism, Mr Martin Hoffman, raising concerns with St. Ignatius College, Riverview, New South Wales after a boarder from Tennant Creek addressed students about the Governments plan to build a nuclear waste dump at Muckaty.

(2) Was the Minister aware of the Deputy Secretaries approach to the school seeking a right of reply to the assembly speech delivered by this 15 year old.

(3) Did the Minister approve the Deputy Secretary approaching the school offering a briefing or debate in a private discussion, open debate or interview format.

(4) Will the department undertake to travel to Tennant Creek to offer the same briefing that was offered to the schools principal or participate in the same debate as proposed for St. Ignatius College, Riverview.

**Senator Chris Evans:** The Minister for Resources and Energy has provided the following response to the honourable senator's question:

(1) Yes. The Minister read the newspaper report.

(2) No.

(3) No. It was a personal matter.

(4) Departmental officers have already conducted briefings on management of radioactive waste at Muckaty Station and nearby locations at Helen Springs and Renner Springs in the immediate vicinity of the nominated land at Muckaty Station. Consultations will be held at more distant locations such as Tennant Creek (130 kilometres from Muckaty Station) in the event that land in the region is selected as the site for a national radioactive waste management facility.

**Immigration and Citizenship**

(Question No. 1957)

**Senator Abetz** asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 9 July 2012:

For each year since 2008-09 to date, how many refugees have been taken by Australia from sources other than irregular arrivals?

**Senator Lundy:** The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The number of people, other than irregular maritime arrivals (IMAs), to whom Australia has granted a refugee or protection visa since 2008-09 to 2011-12 is published in DIAC Annual Reports and can be found on the DIAC website at:

http://www.immi.gov.au/about/reports/annual/
Minister for Foreign Affairs: Statement of Interests
(Question No. 1958)

Senator Abetz asked the Minister representing the Prime Minister in the Senate upon notice, on 9 July 2012:

(1) Are ministers required to furnish the Prime Minister or her department with statements of their interests; if so, when did the Minister for Foreign Affairs (Senator B. Carr) do so.

(2) When did the Prime Minister become aware that Senator Bob Carr had retained his shareholding in his private company, R.J. Carr Pty Ltd.

(3) Has the department been asked to provide advice on whether Senator Bob Carr's retention of this shareholding is consistent with the Prime Ministers Standards of Ministerial Ethics; if so: (a) when was this request made; (b) on what date was this advice provided; (c) what was the advice; and (d) will the Prime Minister make this advice public as per clause 7.4 of the Standards of Ministerial Ethics.

(4) Has the Prime Minister or any member of her staff discussed this issue with Senator Bob Carr; if so: (a) on what dates; (b) what was the outcome; and (c) was Senator Carr advised to dispose of this shareholding or that he could retain this shareholding.

(5) Did a spokesperson for the Prime Minister tell the Australian Broadcasting Corporation PM program that, Minister Carr has fully complied with all of his disclosure obligations in relation to this matter and that the Prime Minister is satisfied that Minister Carr's arrangements are consistent with the standards of ministerial office; if so, on what: (a) advice; and (b) authority, was this spokesperson acting.

(6) Is the Prime Minister aware of Senator Bob Carr's insistence in the Senate on 27 June 2012 that because this company is dormant his retention of this shareholding is entirely consistent with the standards of ministerial ethics.

(7) As of 27 June 2012, had the Prime Minister sighted the advice on which Senator Bob Carr is relying; if not, has the Prime Minister subsequently sighted this advice and if so, when.

(8) Is Senator Bob Carr's retention of his shareholding in R.J. Carr Pty Ltd consistent with the Standards of Ministerial Ethics; if not, has his refusal to relinquish this shareholding constituted a prima facie breach of the Standards of Ministerial Ethics.

Senator Chris Evans: The Prime Minister has provided the following answer to the honourable senator's question:

The Minister for Foreign Affairs has declared his interests to the Prime Minister in accordance with the Standards of Ministerial Ethics. The Minister's arrangements are consistent with the standards of ministerial office.

Australian Fisheries Management Authority
(Question No. 1962)

Senator Whish-Wilson asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 July 2012:

(1) Does the Australian Fisheries Management Authority (AFMA) have an industry strategy to deal with localised depletion within fisheries; if so, can details be provided; if not, what attempts has AFMA made to address this issue.

(2) Does AFMA have any modelling to show the length of time it takes for small pelagic fish to repopulate an area following localised depletion; if so, can a copy of that modelling be provided; if not, what data is AFMA relying on to ensure recovery from localised depletion events.
(3) Is there a spatial management plan for the small pelagic fishery to ensure localised depletion events cannot occur; if so, can a copy of the plan be provided; if not, how will the fishery be managed to guard against localised depletions.

(4) How would any new or adjusted spatial management plans or spatial management conditions be arrived at, by whom, and how would they be funded.

(5) Given that modelling indicates that Tier 2 level exploitation rates may pose a greater threat to fish stocks than Tier 1 levels, even though Tier 1 levels of exploitation may be at a higher rate, and given that Tier 2 levels do not require ongoing validation by the daily egg production method (DEPM) assessments of fish stocks, what is the justification for not requiring ongoing DEPM assessments for Tier 2 levels to ensure stocks are protected.

(6) Have assessments been done on the fishing induced mortality of lanternfish or on the related ecosystem based impacts; if so, can copies of those assessments be provided; if not, on what data is AFMA relying to determine the impact of activities on lanternfish or related ecosystem based impacts and can a copy of that data be provided.

(7) Why was the harvest strategy general meta-rule used to increase jack mackerel (east) recommended biological catch from 5 000 tonnes to 10 600 tonnes when the research meta-rule presents a better fit within the harvest strategy for such a situation.

(8) Is it true that the review of the SPF Harvest Strategy is many months, if not a year, overdue and that if completed it would better consider issues critical to this debate such as localised depletion and the sustainability of Australian fish stocks.

(9) Do any safeguards and protocols exist within the AFMA Small Pelagic Fishery Total Allowable Catch setting process to remove any conflicts of interest regarding financial advantage; if so, what are they and when were they last reviewed.

(10) What effort has been undertaken to test the ability of Seal Exclusion Devices (SEDs) to work on a trawler the size of the FV Margiris, given the net size, shape, and construction materials to be used.

(11) Given that Seafish Tasmania has only used SEDs on trawlers approximately one-third the size of the FV Margiris, what evidence is there to support the view that SEDs will lessen or eradicate mammalian by-catch.

(12) Is there potential for SEDs to act as a method of removing dead mammalian by-catch before such occurrences can be observed and recorded.

(13) Does any standing AFMA policy block public access, transparency, or scrutiny of any compliance data that would be collected on a single 'super trawler' like the FV Margiris.

Senator Ludwig: The answer to the senator's question is as follows:

Catch quota in the Small Pelagic Fishery (SPF) is divided between east and west zones which spreads effort and lowers the risk of localised depletion. Further, state waters and many Commonwealth Marine Reserves are off limits to mid-water trawling. In addition, the annual fishery assessment for the SPF aims to determine the likelihood of localised depletion. AFMA considers under the current management arrangements the risk of localised depletion is low, but that the risk will continue to be monitored and will be discussed at the upcoming SPF Harvest Strategy review commencing in August 2012.

Further, I have established a working party consisting of members of industry and recreational fishing groups (SPF Working Party) to seek agreement on operational measures for the FV Margiris including responses to concerns about localised depletion. The Department of Agriculture, Fisheries and Forestry (DAFF) is supporting this working group.

Research into SPF species shows they are mobile, often moving in response to dynamic oceanographic factors such as the Tasman Front and the East Australian Current.
CSIRO and other science agencies have conducted studies and ecosystem modelling to assess the position of small pelagic fish in the food web. These have shown that in Australian ecosystems there is a diverse range of species and food-web pathways such that top predators are not heavily reliant on the SPF species as may be the case in other parts of the world.

Scientific studies have also determined that at catch levels of around 30 000 tonnes per annum the South Australian sardine fishery is not impacting on the healthy functioning of the local ecosystem. This strongly suggests that, at the much lower catch levels in the SPF over a much larger area, the risk of ecosystem impacts from localised depletion are low.

(3) AFMA considers that under the current management arrangements the risk of localised depletion is low. Quota allocations in the SPF are divided into east and west zones by a line along 146°30’ East. This spreads effort across zones and lowers the risk of localised depletion. Part of the Australian Fishing Zone is closed to midwater trawling under existing marine protected areas and exclusion from state waters.

(4) See answer to (3).

(5) The SPF Harvest Strategy provides the framework for setting total allowable catches (TAC). It uses a three tiered approach which allows for a higher potential TAC depending on the level of information known about a stock. Tier 1 allows for the highest potential catch because it is based on a quantitative stock assessment technique, which includes a DEPM survey, therefore there is more certainty in the stock size. Tier 2 still requires a detailed stock assessment to be completed each year but it is based on less information and therefore results in a more precautionary TAC.

If a DEPM survey is undertaken for a stock then the assessment will be at Tier 1, not Tier 2.

If Tier 2 levels were not adjusted to take into account new information they may pose a greater risk to fish stocks than Tier 1. However, Tier 2 maximum levels can be reviewed and changed through:

- the SPFRAG recommending catches below the maximum levels to take into account additional information
- regular reviews of the Harvest Strategy
- the ability to use the meta-rule to take new information into account (increasing or decreasing the maximum catches).

The SPF Harvest Strategy has been in place since 2008. It is based on scientific research and advice and was developed in consultation with scientists, industry members and the recreational and environmental sectors. It is consistent with the Commonwealth Harvest Strategy Policy.


(6) AFMA has assessed almost 2000 species as part of the Ecological Risk Assessment process, with 69 species being identified as high risk. Lanternfish are not part of this group.

Lanternfish have been caught in the SPF but only rarely. They have been caught more often in other fisheries and are assessed in the Ecological Risk Assessments for the Commonwealth Trawl Sector Otter Trawl Fishery and the Heard Island and McDonald Islands Fisheries. All species assessed were found to be low risk except for large scaled lanternfish. This was assessed as medium risk in the Otter Trawl Fishery because of spatial uncertainty of the species.


(7) The SPFRAG applied the general meta-rule because the recommended biological catch was increased in 2012 on the basis of research published in 2011. While the SPF Harvest Strategy has a meta-rule for additional catch allowance to support an exploratory fishing and research program, this
was not appropriate because the research had already been done. No application was made to use the research meta-rule.

(8) The SPF Harvest Strategy is required to be reviewed within the first 12 months of its commencement and at least every three years following. The Harvest Strategy commenced in 2008 and was reviewed in October 2009. There is currently a review of the Harvest Strategy being conducted which is within the three year time frame specified since the last review.

(9) Total allowable catches for Commonwealth fisheries are set by the AFMA Commission, an independent, expert-based group. Industry members are excluded by legislation from being AFMA Commissioners.

AFMA's policies on the roles and responsibilities of members of the bodies that advise the AFMA Commission (Management Advisory Committees and Resource Assessment Groups) describe how conflicts of interest should be dealt with. This includes that members must disclose conflicts of interest.

The policy on Management Advisory Committees was last reviewed in 2009 and the policy on Resource Assessment Groups was last reviewed in 2005. The Management Advisory Committee Policy can be found at www.afma.gov.au/resource-centre/publications-and-forms/fisheries/fisheries-management-papers/.

(10) Seafish Tasmania has advised AFMA that the Dutch company developing their SED has conducted research in the north and central Atlantic, North Pacific, and Antarctic waters to develop similar release systems for large unwanted species. While the SED has not been operationally tested in the Commonwealth Small Pelagic Fishery, the material used in the net has already been tested by the Dutch company and the SED design is upward opening to comply with Australian best practice. Research has shown that upward opening SEDs reduce the risk of mortalities of marine mammals.

AFMA assesses and monitors SEDs used on Commonwealth fishing boats. The SED used on the Margiris will be monitored through high levels of onboard AFMA observer coverage. AFMA will satisfy itself that the SED is effective and if it is not require modifications to be made.

(11) The design of bycatch reduction devices is dependent on the size of the target fish species, the size and type of animal to be excluded and the size of the net. The size of the boat is not relevant.

(12) AFMA understands that an upward excluding device will be fitted to the net. This will increase the ability of onboard observers to record any mortalities that may occur. It is important to note that the upward excluding device is designed to allow mammals to exit the net alive.

(13) AFMA can release information if it is specifically authorised by legislation and where it is necessary to carry out its functions. AFMA has a policy to guide general release of information into the public domain which is designed to release information fit for its purpose while maintaining reasonable confidentiality for the fishing industry. The policy does not generally provide for single boat-level information to be released to the public but provides a level of accountability to the Australian community through release of fishery-level information.

Australian Fisheries Management Authority

(Question No. 1963)

Senator Whish-Wilson asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 July 2012:

(1) How many Commonwealth fisheries officials would be aboard the FV Margiris, or a ship of similar size and capability, to observe its operation.

(2) If only one observer is aboard the FV Margiris, or a ship of similar size and capability, can details be provided as to how that individual would be able to provide 100 per cent coverage when fishing operations can continue per day for 24 hours.
(3) How many observers would be required to provide 100 per cent coverage of the FV Margiris, or a ship of similar size and capability.

(4) (a) How much funding has been allocated to video or e-monitoring as a method of reducing observer costs; and (b) what research is available on the accuracy of this method of observation.

**Senator Ludwig:** The answer to the honourable senator's question is as follows:

(1) There is currently a requirement for observer coverage on at least the first 10 trips of a new boat in the fishery and, depending on the nature of any proposed fishing operations, AFMA will consider extending this requirement.

In light of occupational health and safety restrictions on hours that observers can work, AFMA will make an assessment on the level of coverage on each trip once the fishing plans of the boat are known. This may mean more than one observer is aboard the vessel or that electronic monitoring may be required.

(2) Please see response to question 1.

(3) Please see response to question 1.

(4) Three trials of e-monitoring have been completed to assess the effectiveness of e-monitoring on boats in different Commonwealth fisheries. These trials cost a total of approximately $1.5 million which was funded by the Australian Government. For the 2012-13 financial year, approximately $460 000 has been allocated to cover the operational costs to input and analyse data from AFMA's e-monitoring program.


**Australian Fisheries Management Authority**

*(Question No. 1964)*

**Senator Whish-Wilson** asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 July 2012:

(1) Will the Government or department provide a guarantee that the FV Margiris will not fish the high-seas, outside Australia's 200 mile nautical boundary where it can operate without prudent controls, before, after, or during, the time the boat is flagged in Australia.

(2) Is the Government or the department aware of any subsidies, direct or indirect, that the owners of the FV Margiris may be receiving from the European Union to help fund the operations of the boat while it is fishing in or transiting through Australian waters.

**Senator Ludwig:** The answer to the honourable senator's question is as follows:

(1) In most cases only the flag-state of the boat can control its operations on the high seas. If the boat is flagged to Australia, it will be treated the same as any other Australian fishing boat. That is, the same rigorous controls will apply to the FV Margiris as apply to any other Australian fishing boat fishing on the high seas.

(2) No

**Resources and Energy**

*(Question No. 1966)*

**Senator Ludlam** asked the Minister for Resources and Energy, upon notice, on 20 July 2012:
Given the response received in the answer to question on notice no. 1889 concerning the declaration of Muckaty in the Northern Territory as the final location for the proposed nuclear waste site under the National Radioactive Waste Management Act 2012, will the Minister delay the declaration of Muckaty as the site until after the Federal Court of Australia case is resolved.

Senator Chris Evans: The Minister for Resources and Energy has provided the following response to the honourable senator's question:

My media release of 13 March 2012 noted that in relation to litigation in the Federal Court concerning the nominated land [on Muckaty Station], the Government will not act on this site until this matter is resolved by the Court.