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SITTING DAYS—2013

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
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<tr>
<td>February</td>
<td>5, 6, 7, 25, 26, 27, 28</td>
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<tr>
<td>March</td>
<td>12, 13, 14, 18, 19, 20, 21</td>
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<td>May</td>
<td>14, 15, 16</td>
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<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27</td>
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<td>August</td>
<td>20, 21, 22, 26, 27, 28, 29</td>
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<td>September</td>
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<td>October</td>
<td>1, 2, 3, 28, 29, 30, 31</td>
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<td>November</td>
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- BRISBANE 936AM
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- MELBOURNE 1026AM
- PERTH 585AM
- SYDNEY 630AM

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FORTY-THIRD PARLIAMENT  
FIRST SESSION—EIGHTH PERIOD

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

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

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

Printed by authority of the Senate
Members of the Senate

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
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<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
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<td>Back, Christopher John</td>
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<td>Marshall, Gavin Mark</td>
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<tr>
<td>Mason, Hon. Brett John</td>
<td>QLD</td>
<td>30.6.2017</td>
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</table>
Senator  | State or Territory | Term expires | Party  
--- | --- | --- | ---  
Milne, Christine Anne  | TAS  | 30.6.2017  | AG  
Moore, Claire Mary  | QLD  | 30.6.2014  | ALP  
Nash, Fiona Joy  | NSW  | 30.6.2017  | NATS  
Parry, Stephen Shane  | TAS  | 30.6.2017  | LP  
Payne, Marise Ann  | NSW  | 30.6.2014  | LP  
Polley, Helen Beatrice  | TAS  | 30.6.2017  | ALP  
Pratt, Louise Clare  | WA  | 30.6.2014  | ALP  
Rhiannon, Lee  | NSW  | 30.6.2017  | AG  
Ronaldson, Hon. Michael  | VIC  | 30.6.2014  | LP  
Ruston, Anne Soverby  | SA  | 30.6.2014  | LP  
Ryan, Scott Michael  | VIC  | 30.6.2014  | LP  
Scullion, Hon. Nigel Gregory  | NT  | 30.6.2014  | CLP  
Siewert, Rachel Mary  | WA  | 30.6.2017  | AG  
Singh, Hon. Lisa Maria  | TAS  | 30.6.2017  | ALP  
Sinodinos, Arthur (2)  | NSW  | 30.6.2014  | LP  
Smith, Dean Anthony  | WA  | 30.6.2017  | LP  
Stephens, Hon. Ursula Mary  | NSW  | 30.6.2014  | ALP  
Sterle, Glenn  | WA  | 30.6.2017  | ALP  
Thistlethwaite, Matthew  | NSW  | 30.6.2017  | ALP  
Thorp, Lin Estelle  | TAS  | 30.6.2014  | ALP  
Urquhart, Anne Elizabeth  | TAS  | 30.6.2017  | ALP  
Waters, Larissa Joy  | QLD  | 30.6.2017  | AG  
Whish-Wilson, Peter Stuart  | TAS  | 30.6.2014  | AG  
Williams, John Reginald  | NSW  | 30.6.2014  | NATS  
Wright, Penelope Lesley  | SA  | 30.6.2017  | AG  
Wong, Hon. Penelope Ying Yen  | SA  | 30.6.2014  | ALP  
Xenophon, Nicholas  | SA  | 30.6.2014  | IND  

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

**PARTY ABBREVIATIONS**  

**Heads of Parliamentary Departments**  
Clerk of the Senate—R Laing  
Clerk of the House of Representatives—B Wright  
Secretary, Department of Parliamentary Services—C Mills
## Gillard Ministry

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Jason Clare MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td>Minister for Broadband, Communications and the Digital Economy</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Defence</td>
<td>The Hon Stephen Smith MP</td>
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<tr>
<td>(Deputy Leader of the House)</td>
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<tr>
<td>Minister for Defence Science and Personnel</td>
<td>The Hon Warren Snowdon MP</td>
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<td>Minister for Defence Materiel</td>
<td>The Hon Dr Mike Kelly AM MP</td>
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<tr>
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<td>Senator the Hon David Feeney</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local</td>
<td>The Hon Simon Crean MP</td>
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<td>Minister for the Arts</td>
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<tr>
<td>Minister for Sport</td>
<td>Senator the Hon Kate Lundy</td>
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<tr>
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<td>The Hon Anthony Albanese MP</td>
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<tr>
<td>(Leader of the House)</td>
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<tr>
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<td>The Hon Catherine King MP</td>
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<tr>
<td>Minister for Families, Community Services and Indigenous Affairs</td>
<td>The Hon Jenny Macklin MP</td>
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<td>Minister for Disability Reform</td>
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<td>Minister for Community Services</td>
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<td>Senator the Hon Jan McLucas</td>
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<tr>
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<td>The Hon Tony Burke MP</td>
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<tr>
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<tr>
<td>(Vice-President of the Executive Council)</td>
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<td>The Hon Gary Gray AO MP</td>
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<td>The Hon Peter Garrett AM MP</td>
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<td>Minister for Indigenous Employment and Economic Development</td>
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<tr>
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<td>Senator the Hon Jacinta Collins</td>
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<td>Senator the Hon Joe Ludwig</td>
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<tr>
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<td>The Hon Martin Ferguson AM MP</td>
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<td>Minister for Tourism</td>
<td>The Hon Martin Ferguson AM MP</td>
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<td>Minister for Climate Change and Energy Efficiency</td>
<td>The Hon Greg Combet AM MP</td>
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<td>The Hon Yvette D’Ath MP</td>
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<td>The Hon Catherine King MP</td>
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<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Minister Assisting on Queensland Floods Recovery</td>
<td>Senator the Hon Joe Ludwig</td>
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<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
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<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister for Human Services</td>
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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Arthur Sinodinos</td>
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<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<td>(Deputy Leader of the Opposition)</td>
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<td>Shadow Parliamentary Secretary for International Development Assistance</td>
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<td><strong>Shadow Minister for Foreign Affairs</strong></td>
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<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
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<td>(Leader of The Nationals)</td>
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<td>Shadow Parliamentary Secretary for Roads and Regional Transport</td>
<td>Mr Darren Chester MP</td>
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<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<td>(Leader of the Opposition in the Senate)</td>
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<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
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<td><strong>Shadow Attorney-General</strong></td>
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<td><strong>Shadow Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis SC</td>
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<td>(Deputy Leader of the Opposition in the Senate)</td>
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<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
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<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
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<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
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<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
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<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<td>(Manager of Opposition Business in the House)</td>
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<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
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<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
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<td>Shadow Minister for Youth and Sport</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>(Deputy Manager of Opposition Business in the House)</td>
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<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
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<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
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<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
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<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
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<td>The Hon Bob Baldwin MP</td>
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<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
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<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong></td>
<td>The Hon Andrew Robb AO</td>
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<td>(Chairman, Coalition Policy Development Committee)</td>
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<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
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<td>Shadow Minister for COAG</td>
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<td>(Chairman, Scrutiny of Government Waste Committee)</td>
<td>(Mr Jamie Briggs MP)</td>
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<td><strong>Shadow Minister for Energy and Resources</strong></td>
<td>The Hon Ian Macfarlane MP</td>
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<td>The Hon Bob Baldwin MP</td>
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<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
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<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
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<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
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<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
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<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
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<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
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<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
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<td>Senator Concetta Fierravanti-Wells</td>
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<td>Shadow Minister for Mental Health</td>
<td>Dr Andrew Southcott MP</td>
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<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Laming MP</td>
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<td>Indigenous Health</td>
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<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
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<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
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<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
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<td>(Manager of Opposition Business in the Senate)</td>
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<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
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<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Mr Jamie Briggs</td>
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<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
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<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
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<td>Shadow Minister for Immigration and Citizenship</td>
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<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>The Hon Teresa Gambaro MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
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<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Fisheries and Forestry</td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td>Shadow Minister for Small Business, Competition Policy and</td>
<td>The Hon Bruce Billson MP</td>
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<td>Consumer Affairs</td>
<td>Senator Scott Ryan</td>
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<td>Shadow Parliamentary Secretary for Small Business and Fair</td>
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<td>Competition</td>
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</table>
CONTENTS

THURSDAY, 14 MARCH 2013

Chamber
BILLS—
   Environment Protection and Biodiversity Conservation Amendment (Retaining
   Federal Approval Powers) Bill 2012—
   Second Reading................................................................. 1671
NOTICES—
   Presentation........................................................................ 1701
COMMITTEES—
   Selection of Bills Committee—
      Report........................................................................... 1703
BUSINESS—
   Rearrangement .................................................................. 1711
   Rearrangement .................................................................. 1711
   Consideration of Legislation.............................................. 1711
COMMITTEES—
   Rural and Regional Affairs and Transport References Committee—
      Meeting ........................................................................ 1711
   Environment and Communications Legislation Committee—
      Meeting ........................................................................ 1711
   Rural and Regional Affairs and Transport References Committee—
      Reporting Date ............................................................... 1712
MOTIONS—
   Goulburn Sesquicentenary ................................................. 1712
   Fiji: Human Rights ............................................................. 1712
   Renewable Energy Certificates .......................................... 1712
   International Development Assistance .............................. 1714
   Parenting Payments ........................................................... 1715
   Education Funding ............................................................. 1715
   Coal Seam Gas .................................................................. 1716
BILLS—
   Export Finance and Insurance Corporation Amendment (Finance) Bill 2013—
      First Reading.................................................................... 1717
      Second Reading.................................................................. 1717
   Electoral and Referendum Amendment (Improving Electoral Administration) Bill
      2013—
      First Reading.................................................................... 1718
      Second Reading.................................................................. 1718
COMMITTEES—
   Joint Select Committee on Broadcasting Legislation—
      Appointment..................................................................... 1720
   Legislation Committees—
      Report............................................................................ 1720
BILLS—
   Customs Amendment (Anti-Dumping Commission) Bill 2013—
      Second Reading.................................................................. 1722
      Third Reading..................................................................... 1723
CONTENTS—continued

Customs Amendment (Miscellaneous Measures) Bill 2012—
  Second Reading................................................................. 1723
  Third Reading................................................................. 1726
Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013—
  Second Reading................................................................. 1726
  Third Reading................................................................. 1733
Fisheries Legislation Amendment Bill (No. 1) 2012—
  Second Reading................................................................. 1733
QUESTIONs WITHOUT NOTICE—
  Media .................................................................................. 1740
DISTINGUISHED VISITORS.................................................. 1742
QUESTIONs WITHOUT NOTICE—
  Parliamentary Budget Office.................................................. 1742
  Media .................................................................................. 1744
  International Development Assistance .................................. 1746
  Indigenous Employment ....................................................... 1747
  Migration ............................................................................. 1749
  Schools: Computers ............................................................. 1751
DISTINGUISHED VISITORS.................................................. 1753
QUESTIONs WITHOUT NOTICE—
  Agriculture ........................................................................... 1753
  World Wildlife Fund .............................................................. 1754
QUESTIONs WITHOUT NOTICE: TAKE NOTE OF ANSWERS—
  Media .................................................................................. 1756
  International Development Assistance .................................. 1762
COMMITTEES—
  Economics Legislation Committee—
    Government Response to Report.......................................... 1763
DOCUMENTS—
  Tabling ............................................................................... 1764
COMMITTEES—
  Broadcasting Legislation Committee—
  Environment and Communications Legislation Committee—
    Membership ......................................................................... 1764
BILLS—
  Courts and Tribunals Legislation Amendment (Administration) Bill 2012—
    Assent .............................................................................. 1765
MOTIONS—
  Free Speech ........................................................................ 1765
DOCUMENTS—
  Australian Agency for International Development .................... 1794
DOCUMENTS—
  Consideration ..................................................................... 1797
COMMITTEES—
  Finance and Public Administration References Committee—
    Report ............................................................................... 1797
CONTENTS—continued

Constitutional Recognition of Local Government Committee—
  Report....................................................................................................................... 1805
Rural and Regional Affairs and Transport References Committee—
  Report....................................................................................................................... 1809
National Broadband Network Committee—
  Report....................................................................................................................... 1811
COMMITTEES—
  Consideration ......................................................................................................... 1813
ADJOURNMENT—
  International Women's Day .................................................................................... 1813
  Victoria: Health Funding ......................................................................................... 1815
  Charcot-Marie-Tooth Disease .................................................................................. 1817
DOCUMENTS—
  Tabling ..................................................................................................................... 1819
Indexed Lists of Files—
  Tabling ..................................................................................................................... 1820
Departmental and Agency Contracts—
  Tabling ..................................................................................................................... 1820
Thursday, 14 March 2013

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

BILLS

Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator WATERS (Queensland) (09:31): I rise to speak in support of my bill, the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012. This is a crucial bill because it seeks to prevent this government or the next handing off responsibility for our nationally significant environmental icons to state governments. This would fly in the face of 30 years of gradually increased Commonwealth protection for the environment, and I am sure folk on both sides would remember that great intervention by then Prime Minister Bob Hawke where he stepped in after the Tasmanian government was prepared to dam the Franklin. It went all the way to the High Court and confirmed that the Commonwealth had a role in protecting nationally and internationally significant parts of our environment. That was a seminal moment, and yet it is that moment and the 30 years of environmental law that followed that are now at risk if this bill does not pass.

It warrants an examination of how we even got to this point. We have had John Howard's law, the Environment Protection and Biodiversity Conservation Act, which came in in 2000, and it always had this little section that said the federal government can give away its approval powers to state governments. No-one had ever used it before, and common understanding was this would be a crazy idea, a risky idea, something that simply would not happen—which is why it came as such a shock to the environment movement and to anyone in the community who cared about protecting our environment when in April of last year the Prime Minister, a day after a meeting with the Business Council of Australia, announced that she would be using these very provisions that John Howard put into our laws. Despite Bob Hawke's legacy, she would be using these powers to absolve the federal government of any environmental responsibility for approving projects that could significantly damage our natural icons.

There appeared to be no evidence base to support this decision, and yet all we had was the Business Council of Australia making claims that somehow there was duplication in the system. I want to come to those claims because, sadly, upon examination, they bear absolutely no weight. I say 'sadly' because it is a disappointment that a government has taken such a drastic policy decision with absolutely no evidence base to back it up. The business community has claimed there is duplication here, but the fact of the matter remains that we have already excised those parts of the law that allow assessment processes at the state level to be accredited. Developers do not need to do two sets of documents; they just do one set of documents under state laws, and then those documents get sent to the federal government, who apply a different test, look for different things and then give an approval or refusal—I wish there were more of those, but there have not been many—or place conditions on the development. So any duplication that might have existed in the system was fixed about five years ago with
agreements between the Commonwealth and most of the states and territories—all of them, in fact, although one has now lapsed and will soon be renegotiated.

So any of that duplication has already been fixed; and, if there are improvements to be made to that process, fine. We will consider those. We have no problem with that. What I do object to is the Business Council claiming that there is duplication at that approval stage when they know full well that actually it is at the earlier assessment stage. I object to the government not requiring some proper evidence to back up those claims before it says: 'Yes, Business Council, we'll simply do your bidding. I, the Prime Minister, who railed against these very provisions when John Howard brought in these laws, will now use those very sections to opt the federal government completely out of protecting the environment and leave it up to the states.'

I want to explain why it is that we are so concerned about the states being in charge of our national environment. Perhaps Queenslanders will not need me to spell out just how disastrous Campbell Newman has been for our national environment since he took office, but I want to list the things that Campbell Newman has done. I will then talk about the record of some of the other state governments to show that these are the last people you want in charge of nationally and internationally significant environmental assets.

Campbell Newman, in his short time as Premier of Queensland, has managed to say that he will repeal our protection for pristine, free-flowing rivers—that is, repeal our wild rivers laws—despite the wishes of traditional owners, the vast majority of whom say they want those protections for their rivers retained. He is going to do away with protection for rivers and let the big miners and dams go in on our last remaining free-flowing rivers. He repealed our coastal protection laws shortly after taking office. This is the same guy who, when asked about protecting the Great Barrier Reef, said, 'Queensland is in the coal business,' so naturally he is going to be repealing any laws that put the brakes on that. His Deputy Premier famously said he thought concern for the reef was 'really a bit overdone'. The perspective on the Great Barrier Reef by Premier Newman and Deputy Premier Seeeney is clear.

So those are wild rivers laws and coastal laws. Unfortunately, the story does not stop there. We have had the ban on uranium mining in Queensland lifted by Campbell Newman. It was a 20-year ban put in place for very good reason. And when we have just seen the second anniversary of the Fukushima disaster, who would want our uranium to be contributing to any such disaster in future? Yet that is what is on the books under Campbell Newman lifting that uranium mining ban. It is not the only ban he has lifted: shale oil mining is now back on the agenda in Queensland, effectively coastal strip-mining along that very reef coast that the LNP government thinks is overblown, and they are repeating that Queensland is simply in the coal business. Indeed it is in the fossil fuel business.

So wild rivers, coastal protection, lifting the shale oil ban, lifting the uranium mining ban, but it does not stop there. Approximately three weeks ago we had the ban on native forest logging lifted in Queensland. This was after a long and tripartisan approach to negotiating the end of native forest logging. This is where the state government, the environment groups and industry themselves got together to say, 'This industry is on its knees, let's phase it out. It is not good for the environment. There is $250 million, industry players. Let's transition to
plantation forestry and save our native forests in Queensland.' Everyone agreed to that. The agreement was about halfway through its 30-year lifespan for a 30-year phase-out and all of a sudden Mr Campbell Newman has simply ripped up that agreement. He has not said anything about whether that money needs to be paid back to the Queensland taxpayer and has not said anything about whether he will now let the mining industry go into those forest reserves, although his environment minister has implied that.

So we have a clear agenda by this state government of destruction of Queensland's environment and the removal of any of the environment protections that Queensland had. They are the last people that you want in charge of our nationally significant icons, our World Heritage areas, our internationally significant wetlands, our threatened species that are at risk of extinction. And that is just Queensland; it does not stop there. People will be familiar with the New South Wales state government's agenda of opening up our national parks to shooters, which simply beggars belief given the danger to human life, let alone the ecological impacts of massive noise and disruption on these areas, which are meant to be there to protect biodiversity and protect those natural icons.

It does not stop there. We had the Victorian government wanting to put cows in the Alpine National Park. The federal minister in that case did step in and was able to say, 'Sorry, that's not acceptable. I'm going to use my powers to stop that.' That might be the last time those powers are able to be used. Unless this bill goes through to stop this government or future governments handing off their approval powers, the federal minister simply will not be able to stop actions like that in future. This is serious business here. We have at risk 30 years of environmental protection that has been built up to save our World Heritage icons, to save our precious threatened species. The problem is that those laws are already not strong enough to do the job, so why on earth are we weakening them even further and giving them away to cowboys like Campbell Newman and like the New South Wales and Victorian premiers? It simply makes no sense and it flies in the face of 30 years of the Labor tradition of having the Commonwealth play a role in protecting the environment. That is why we were so dismayed when the Business Council were so easily able to get the Prime Minister to say sure, she will use these provisions, she will hand off those powers.

That all unfolded last year. We then had the December COAG meeting and of course the Business Council love-in that happens the day before COAG now, again an initiative of this government. There appeared to be some pause that had been put in place. It was very unclear. There were some reporters who were tipped off and who covered it that day, but the communique itself that came out of the COAG meeting left the door wide open. It said, 'Okay, we are going to have another look at this issue but states should come back at the next COAG meeting with a more uniform proposal.' My point here is that this hand-off of power is not off the table. The Gillard government have not ruled it out. They have simply said to states, 'Gee, it was going to be a bit of a dog's breakfast. Some of you wanted some powers, others wanted others. This is going to make it complicated and we just want to deliver business certainty, never mind environmental protection. So you had better go back and come with a cleaner proposal, one that is a bit more harmonious and uniform, and then we will give you everything you want because the Business Council tells us to.' So the Prime Minister has not ruled out this reform, for want of a
better word, because basically it is a massive backward step and it takes us back 30 years in environmental protection.

My concern is it that Mr Tony Abbott has confirmed, repeated by the opposition again this week, that they will use these powers in the EPBC Act to hand off federal responsibility to state governments. There is no doubt about that. Clearly there is uncertainty about whether the government now will; they are not ruling it out but who knows what they will do. The opposition have said they will use these powers. They cannot wait to use these powers. It was John Howard who put these powers in place in the first place.

So we have a situation where we have a window for this parliament to make a change for the future that will protect our national environment. We have a chance here with the parliament as it currently is to take these sections out of our national laws and make sure that the federal government will always have to give that final tick on damaging developments in World Heritage areas, in developments that might send a species to extinction. We can make sure the federal government will always have that role by passing this bill. It remains to be seen what the government and the opposition will do but there are indications on that in the Senate report into this bill, which I might say is an excellent report that then leads to some bizarrely unrelated recommendations. One could almost surmise that folk on the committee agreed with this bill but felt that politically they were not able to back it, but I will leave that for the commentators to speculate on. We now know that the opposition will use these powers. We have a window where we can make sure that Tony Abbott cannot trash our national environment and cannot leave it up to his state cronies to run our World Heritage areas into the ground, to send our threatened species to extinction. It is incumbent upon this Labor government to work with the Greens, support this bill and protect our national environment into the future. There is this one chance to Abbott-proof our national environmental laws. If the government do not take this chance and if they refuse to support this bill, they will be complicit in allowing either themselves or Tony Abbott's government, should the polls be borne out on election day—

Senator Back: Mr Acting Deputy President, the opposition leader should be referred to by his correct title.

Senator Waters: Mr Tony Abbott. The government will be complicit in allowing either themselves or Mr Tony Abbott's government, should he form government after the election, to hand off those powers to state governments and to abandon our national environment to the whim of state governments, who will not act in the national interest. That is not their job; of course they will not. They are traditionally seen, and evidence bears it out, to be much closer to developers and to the big miners, although I am afraid that contention could also be put to the two big parties here.

I urge all senators to think long and hard about their position on this bill. I would be so disappointed, as would, I think, the Australian public—and anyone who has visited the reef and knows how beautiful it is and how important and fragile it is and anyone who has visited the beautiful forests of Tasmania and seen the wonderful koalas which are now nationally threatened and experienced the beauty and the joy of our national environment—if it is politics that stops this bill going through. When we have this one chance to make sure that our national environment remains able to be protected by our national government—as folk in the public expect that it should and
would be—is politics really going to get in the way of a good outcome?

Perhaps I am naive to think that it is even possible that anything other than that might happen. We Greens stand here saying: 'You have a chance to stand to protect our national environment. Please take this chance. Remove those powers that would allow the federal minister to simply get out of the way and give the green light to state governments to trash the environment as much as they can.' What an absolutely dismaying and depressing outcome that could be.

I want to quickly touch on some of the reassurances that the Labor government have put. They said, 'Oh, it is fine if the states are in charge. It does not really matter who makes the decision, because we will have standards in place and they will have to adhere to the standards.' Coming at this issue as an environmental lawyer who practised in this area for 10 years, I have seen the standards that exist already for that assessment phase and I have seen how they have been breached on several occasions, not least by our Queensland Premier—to the extent that the federal minister had to step back in and take that assessment off Campbell Newman for the Alpha coal mine, Gina Rinehart's big mine, which, sadly, the federal minister then approved anyway.

So we have seen that the states will not comply with standards. There is nothing in the standards that obliges compliance. I asked this question both in estimates and in the Senate inquiry: what is the guarantee that these standards will be complied with; where is the reassurance? I was simply referred to that part of the law that says, 'The federal minister can revoke the whole arrangement if one person has breached one part of it.' Well, do you think that is likely to happen? That is certainly not what has happened so far in those assessment agreements. It is an incredibly unlikely outcome. What is far more likely is that you will see the state governments undermining those standards, letting development through that will trash World Heritage areas—sending threatened species to extinction and riding roughshod over wetland areas and other important international icons—and the Commonwealth will not be about to lift a finger to stop it.

This is such an important bill and I again urge senators in this place to search their consciences and think about the legacy that is at risk here if these sections remain in the law and allow a future Abbott government—or indeed even this government if the Business Council breathes down their neck again as it is wanting to do—to use these powers to hand it off.

I want to mention and thank all of the people so far who have supported the Greens campaign to protect our national environmental laws—the laws that protect the places that we all love. I want to thank the environment groups and I want to thank everyone who went to the trouble of making a submission in support of this bill. The vast majority of the submissions to our inquiry did support this bill. People know what the risks are if we do not pass this bill. They fear Campbell Newman being in charge of the reef with no check and balance at the federal level—and rightly so. So I want to thank those folk for putting their views on the record.

I want to urge senators to really listen to the evidence. We had some very compelling evidence presented in the Senate inquiry, including, I might add, from the environment department themselves, who confirmed that the Minerals Council of Australia and the Business Council of Australia actually had not provided evidence about duplication and delay, that they had given some anecdotes but there was no solid evidence that had been
provided. That was a really shocking admission because it showed that the government was prepared to adopt a policy without any evidentiary basis, without any demonstrated need for a change. Frankly, it showed just how in the pocket of big business this government is. And, of course, we know that any future government from the other side of politics would be equally, if not more, in that same pocket.

We have the evidence that was presented so cogently to the Senate inquiry from all of the environment groups, from economists and from lawyers, all saying: ‘It is really risky to hand off these powers to state governments. They could do serious damage. There are not enough guarantees that any standards will be complied with. There is a possible loss of public rights. This whole idea is insane. Please do not go ahead. No one ever thought these provisions would be used. For heaven's sake, get rid of them so that we can always have the national government with that oversight role to protect our international icons.'

Again we have seen the Business Council and the Minerals Council making unfounded claims, seeking to get exactly what they want. It remains to be seen whether the government will still pursue this policy outcome. If they fail to vote for this bill, they are leaving open the option of either themselves or a Tony Abbott government using these powers. I believe that will simply lead the Australian public to the conclusion that only the Greens are prepared to stand up to protect our national environment, to protect our World Heritage areas like the Great Barrier Reef and the wonderful Tasmanian forests, to protect our nationally threatened species like the beautiful Leadbeater's possum in Victoria, and the koala—which is, sadly, now nationally threatened. The public will know that only the Greens are serious about actually protecting our environment and that we are the only ones recognising that, in order to have a health economy and a healthy community, you need a healthy environment—and that requires proper federal oversight of damaging developments that stand to threaten these natural icons that could underpin a sustainable economy and give us all great joy for generations to come.

I look forward to the debate and I certainly look forward to hearing, hopefully, a change of position from the two big parties, although, sadly, I am not expecting to hear that. I look forward to the debate on this really important bill.

Senator CAMERON (New South Wales) (09:51): I rise in opposition to the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012—and I do not rise in opposition to the bill on the basis of the arguments that have been put forward by Senator Waters. This plaintive plea that only the Greens are interested in the environment is so much rubbish—so much rubbish!

As a government I am proud of what we have done on environmental issues. You only have to look at the big picture issues that this government has addressed. We have finalised reform to the Murray-Darling Basin. We have created the biggest network of marine reserves in the world. Against huge opposition we stood up and said, ‘We're going to make sure that marine reserves are in place and that we protect the wildlife.' We have set up a network of marine reserves in the world. Against huge opposition we stood up and said, 'We're going to make sure that marine reserves are in place and that we protect the wildlife.' We have set up a network of wildlife corridors across Australia. We have supported a network of indigenous ranges. We are cutting carbon pollution and driving investment in clean energy—solar, gas and wind. We are supporting Australian jobs in existing and renewable industries nationwide. At local level we are working to
improve our urban waterways instead of treating them as a drain, as we have done in the past.

It grates when the Greens stand up and say they are the only people doing anything on the environment. They make speech after speech to say they are the only people interested in the environment, but that is not true. I do not think any politician comes here, either from the coalition, from Labor or as Independents, to think about how we can destroy the environment. No-one does that. It is an absolute nonsense to say that only the purity of the Greens has a way forward in terms of environmental matters.

The push on this bill, without dealing with a wider range of issues, proves my point on this. There is a range of issues that the evidence before the inquiry that I chaired has brought forward. The recommendation from the committee is for the minister to assess all of the issues, including the issues that the Greens have raised about ensuring that national environmental protections are conducted by a national government. But the Greens want to stand up and say that only they care about the environment—only they want to do something about the environment. The committee recommendation is that we look further at the issues that have been raised by the evidence to the committee on a wider range of issues than the Greens have raised in this narrowly based piece of legislation.

The Labor government is continuing to do work in environmental areas—in the Great Barrier Reef, in Antarctica and in the urban rivers area, as well as what we have done on global carbon pollution. So it worries me when the Greens come here and use the rhetoric of 'caving in to the Business Council', that here is a legacy that is at risk, and that the Labor government is in the pocket of big business. I invite the Greens to have a look at any of the newspaper reports over the last couple of years in the context of the business community to see whether we are in the pocket of big business. There is not a day that goes by without some big business leader trying to protect their vested interest against the protection that the Labor government is putting in for working people in this country, and we are maintaining a decent approach on taxation for big business. There is not a day that goes by when big business is not attacking this government. For the Greens to stand up and say that we are in the pocket of big business is a bit rich. What it really means—and I hate to agree with the coalition on this—is that they want environmental issues to be dealt with regardless of the social, economic or job impacts anywhere in the country. That is an unacceptable proposition.

There has to be some reality in terms of where we are, where we want to get to and how we deal with that part in the middle. How do we deal with jobs? How do we deal with the issue of communities depending on mining? How do we deal with communities that are building through coal-seam gas? How do we deal with communities that rely on the minerals sector for jobs? I am not here defending the Minerals Council. I am not here defending the resources sector. But you cannot just dismiss employment issues around the country on the basis that we should suddenly stop our mining industry and our minerals industry on the basis of this purity of environmental outcomes that the Greens keep arguing about. I do not buy that for a minute.

The Labor Party and the government is concerned about ensuring that we have proper and effective environmental protections in place, and it is not just Labor. It is interesting that, after going through this inquiry and having a look at the issues, it was a coalition government that brought in
the Environment Protection and Biodiversity Conservation Act. That became clear in some of the submissions that we had, where people were complaining about a change of position from the coalition in relation to their long-held position. In 1999 the former Howard government, through its representative the Hon. Dr Sharman Stone, MP, said that the EPBC legislation:

... enables the Commonwealth to join with the States in providing a truly national scheme of environmental protection and biodiversity conservation recognising our responsibility—and remember, this is a coalition minister back in 1999—to not only this, but also future generations.

It is not just the Greens who are concerned about environmental issues. Every senator in this place, in my view, is concerned about ensuring that the environment we leave to future generations is protected effectively, fairly and in a manner that does not destroy jobs, the economy or local communities. We have to manage those competing interests. That is what government is about, and that is what the Greens never seem to understand: there is a management task between the purity of environmental legislation and the need to ensure ongoing employment in this country.

It was not only Dr Sharman Stone; the minister for environment at the time, Robert Hill, noted that the new legislation 'provides for Commonwealth leadership on environmental matters and respects the primary role of the states in relation to on-ground natural resource management.' He went on to say:

The Commonwealth is ultimately responsible for ensuring that Australia meets its international environmental responsibilities and in our view must also demonstrate leadership on environment matters by, for example, working with the States to set national standards. The EPBC Act recognises the need for Commonwealth leadership and the reality that on ground delivery should be carried out as far as possible by the States. It allows this carefully balanced partnership between Federal and State Governments to be expressed through bilateral agreements. Under these agreements responsibility for certain matters may be delegated to the States subject to various safeguards contained within the new legislation and other safeguards identified in regulations under the Act. Under this model the Commonwealth and the community can be confident that the matters of national environmental significance are being protected by processes we believe meet best practice.

That was not the Greens that were arguing these points, that was not Labor, that was a coalition minister and a coalition front bencher back in 1999. Let us forget about this argument that it is only the Greens that care about the environment, only the Greens. We heard that word 'only', 'only, 'only'. If it was only the Greens there would be no jobs left in this country in areas where we have to get a balance between the environment and employment and local communities earning a living. If it was up to the Greens we would be in a lot worse position in terms of the balance between jobs and the environment. I do not say that a Labor government should ever capitulate to the simple argument about jobs when it comes to the environment. Sometimes there will be a need to say that the environment must come first. That is our international obligation on matters of national importance, on matters of international significance. The act as it stands at the moment, without any changes, makes the government deal with the issues of protecting the environment, promoting conservation and biodiversity, protection and conservation of heritage, promoting ecologically sustainable development, promoting a cooperative approach to protection and management and assisting in
the cooperation and implementation of Australia's international environmental responsibilities.

After listening to the evidence that came before the committee I am inclined to the view, similar to Senator Waters, that it is not a good idea to send any powers back to the states. There are a number of reasons for that and I will come to that. The recommendation of the committee in its majority report is that we need to address a range of issues, not just this narrow aspect. We are asking the minister to have a look at the evidence that came before the committee. I am sure when the Prime Minister and the minister look at the evidence that came before the committee then any idea of sending powers back to the states will be quickly quashed. That would be my view. It would be my argument within the Labor Party that we should not do this.

But I do not want to just look at one narrow aspect of the bill when the minister is already looking at significant changes to the bill through a process under the Hawke review. There is a process already underway. This tries to pre-empt that process and I do not want to pre-empt the process because I want the minister to look at changes to the bill in the context of all of the evidence that has come before the committee. That is what the government senators argued in the bill. We have not hidden away any of the evidence that came before the enquiry. The report is broad based; it is accurate; it takes up the issues as to why we should not refer the powers back. We actually do outline evidence that came mainly from employers, to say that we should refer the powers back to the states, but it gets pretty short shrift from the evidence that is before the committee. The committee was not prepared to accept that so-called evidence, because there was nothing that came before the committee that would say we should do this. In fact when I was questioning Dr Dripps, who is leading the department's evidence on this, I said to Dr Dripps—and I quote from the evidence:

**CHAIR:** So there has been no evidence from the Minerals Council or the BCA to say: 'Here are the efficiency problems with the EPBC?'

**Dr Dripps:** Not that I recall.

**CHAIR:** I find that amazing because of everything you read in the papers. I went to Corrs Westgarth and their environmental lawyers are saying the efficiencies that can be gained by this are unassailable, but you have not heard of that, have you?

**Dr Dripps:** We are certainly doing some work internally—as I think Mr Knudson said at the estimates earlier in the week—to improve our efficiency, but in terms of the problem definition, I am certainly often confronted with generalities and I look forward to receiving any advice on specifics.

So what the senior public servant is saying is they have only had generalities; they have had no specifics as to why we should send powers back to the states. I said:

**CHAIR:** That is interesting Dr Dripps. That is all we have had. We have not had one hard piece of evidence before this committee that says that a federal government should change the EPBC Act to allow for the states to make assessments and approvals on the basis of these inefficiencies. I have not seen any, and you are saying you have not been seen them either.

**Dr Dripps:** That is right. There is no evidence for what the Business Council is arguing. There is no evidence for what the Minerals Council is arguing. The senior public servants say that there is no evidence. I went on:

**CHAIR:** I just think it is very important. Your evidence tells us that there is no evidence that putting the federal powers back to the states will improve efficiency.'

**Dr Dripps:** I think what I said is that we have the publicly available reports and we have the same anecdotal evidence that has been presented to you—

**CHAIR:** So no hard evidence.

**Dr Dripps:** from the various industry organisations about the efficiencies and
inefficiencies that occur in the administration of the act.

CHAIR: That means that there is no hard evidence; there is anecdotal evidence. Is that correct?

Dr Dripps: That is a conclusion from reading the reports, if you like.

So there is no evidence. In fact, we had expert evidence that the majority of delays are in the state processes, not in the federal processes.

The committee's report gives a number of recommendations. The first recommendation is:

Given the need to address a range of issues raised with the committee and associated with the reform of the Environment Protection and Biodiversity Conservation Act 1999, the committee recommends that the bill not be passed.

What we are saying there is simply that we should look at the wider issues that have been raised in the evidence, and that the minister should not dive in and get a change for one area of the act. The minister should look at all the evidence that has come before us and provide a comprehensive list of changes to the act to protect the environment. That is the minister's responsibility; that is the government's international obligation. We should only do it on the basis of the evidence that is before us. We have wide-ranging evidence and we should take in all the issues.

The second recommendation was that the minister analyse all the evidence and look at all the issues. We also say that the government should ‘...reconsider its position on the recommendation from the Hawke review for the appointment of a National Environment Commissioner and the creation of an independent National Environment Commission.' It is an important Hawke review recommendation and I think the government should do it. We are asking the government to assess that issue. We also say that the COAG processes—I have only a minute-and-a-half left—are not good enough, are not sufficient, are not the best way to deal with national environmental issues, unless there is fundamental change to how COAG operates in this area.

Having the Business Council and the business lobby coming to COAG without evidence and arguing for change is not a proper way for COAG to operate. There has to be proper analysis and it is good that the government has said, 'Whoa, we are not going to make these changes because there are significant issues to be dealt with.' Some of the significant issues are at the state level, where state governments have set about, as part of their austerity program, cutting jobs in environmental departments across the country. They are cutting jobs all over the place. They are trying to fix the environment by letting people go and shoot in national parks—that is the level of environmental understanding at the state level. Hundreds of jobs are disappearing.

The Premier of Queensland, Campbell Newman, argues in support of competitive federalism. Well, competitive federalism in terms of the environment is a race to the bottom. We are drawing all of these issues to the attention of the minister; that is why we are saying, 'Not this narrow piece of legislation before us. Minister, look at the broader issues that have been raised: how COAG operates, how we protect the environment, and how we meet our international obligations. That is the key issue.

Senator BIRMINGHAM (South Australia) (10:11): I will start by doing something a little unusual in this place, and that is to agree with some of the sentiments of Senator Cameron.

Senator Cameron: Oh, no!
Senator BIRMINGHAM: It will do your reputation no good, I realise, Senator Cameron. But Senator Cameron rightly said that he believes every senator in this place cares about environmental protection. I believe Senator Cameron is right in that regard. Of course there are differences of opinion that exist right around the chamber, not only between parties but, I have no doubt, within parties as well, as to the extent of the types of protections that are required, as to the priorities of what needs to be protected, and as to the approaches of how the environment should be protected. But there is a consensus and a broad understanding and support that transcends across governments, that sees support across the board for environmental protection.

Indeed, as Senator Cameron rightly highlighted, the substantive act that we are debating today, the Environment Protection and Biodiversity Conservation Act 1999, was a reform of the Howard government, implemented and delivered by my former employer and a great senator in this place for a long period of time, former Senator Robert Hill. It is one of the great legacies of the Howard government that we implemented this reform and provided for effective national standards around environmental management.

The bill before us today, the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers)Bill 2012, seeks to remove some of the original provisions from that 1999 act. Let me be very clear: the coalition's position as we come to this debate today is consistent, as it was when that act was passed in 1999. The bill that the Greens propose today seeks to remove provisions for which there is absolutely no evidence that those provisions have been abused; no evidence that those provisions have been misused. In fact, those provisions have barely been used. They have been used on just one occasion in the history of this act.

Senator Waters interjecting—

Senator BIRMINGHAM: Senator Waters says, 'Exactly!' Well, exactly, Senator Waters, you are seeking to strip something from the act that, to date, no government has managed to find an effective way to make work. That does not mean that a government in future could not find an effective way to make these provisions work. Senator Waters wants to take out a flexible approach, a capacity to try to get some efficiency in the operation of the EPBC act, even though there is no evidence to say that there have been problems under such an approach, because she believes there might be problems under such an approach in future. The Greens, of course, in this sense, are equally being consistent in wanting to see the greatest level of bureaucracy, the greatest level of regulation, the greatest level of red tape and the greatest duplication across local, state and federal governments of assessment processes—all of which, of course, add to the costs in the economy and the costs of doing business and are to the detriment of the growth of business, economic activity and jobs in Australia.

The coalition's position as we come to this is very consistent. We support the provisions of the act that we were proud to pass when in government in 1999. We support key recommendations within the Hawke review, a substantive body of work that looked at and analysed the entire operation of the EPBC Act and tried to recommend improvements to it, which I will come back to shortly. We support our policy, announced during the term of this parliament, to implement a one-stop-shop approach that attempts to streamline environmental approvals processes without in any way
undermining the standards of environmental assessments.

There is an important point to make here: that the types of reforms we are advocating and the types of reforms the government briefly stood for are reforms to try to get greater efficiency in our approvals processes but maintain the same level of standards.

**Senator Waters:** It won't work.

**Senator BIRMINGHAM:** Senator Waters says it will not work. Well, there we go—I am pleased to know that the Greens have got a great big crystal ball over in that corner of the chamber! I am pleased to know that the Greens know what the future holds entirely! I guess we do hear that from many in the Greens all of the time—that they know what is going to happen in the future and have supreme confidence that their outlook on the world is of course the only outlook on the world.

The genesis of this bill lies in a government policy that barely lasted for 12 months. It lies in the fact that this Labor government, for a brief period of time, attempted to have the same policy position as the coalition—a policy position of saying that we should attempt to follow the recommendations of the Hawke review, streamline some of the processes if possible, and get greater complementarity between what the Commonwealth and the states are doing in terms of environmental assessments, and, in doing so, maintain all of the standards. And, for a brief window there, the government agreed with us. However, the government changed its mind late last year after Senator Waters had introduced this bill and has since backed down yet again—another case of a government in disarray and a government that backflips on its promises and statements.

But I think it is important to look at the recommendation of the Hawke report that led to this process of changing the EPBC Act, or led to this process of the coalition and the government saying, 'We should have greater streamlining.' Recommendation 4 of the Hawke report—and it is a long one but I think it is important to put it all on the record—states:

> Recommendation 4 of the Hawke report—states:

The Review recommends that the Commonwealth work with the States and Territories as appropriate to improve the efficiency of the Environmental Impact Assessment (EIA) regime under the Act, including through:

1. greater use of strategic assessments;
2. accreditation of State and Territory processes where they meet appropriate standards;
3. accreditation of environmental management systems for Commonwealth agencies where the systems meet appropriate standards;
4. publication of criteria for systems and processes that would be appropriate for accreditation;
5. creation of a Commonwealth monitoring, performance audit and oversight power to ensure that any process accredited achieves the outcomes it claimed to accomplish;
6. streamlining and simplification of assessment methods, including combining assessment by preliminary documentation and assessment on referral information and removal of assessment by Public Environment Report;
7. establishing joint State or Territory and Commonwealth assessment panels;
8. use of joint assessment panels or public inquiry for projects where the proponent is either the State or Territory or Australian Government; and
9. greater use of public inquiries and joint assessment panels for major projects.

In the main, these are wise recommendations. In the main, these recommendations of the Hawke report would provide a step forward by seeing greater cooperation in a formalised sense between the Commonwealth and the states around assessment and approval regimes in a
transparent way where processes are accredited, where they must meet appropriate standards, where those standards must be made public, and where there is an understanding and a review and continued assessment to ensure that systems and processes used by the states are appropriately upheld as a result of such accreditation approaches.

So the Hawke review outlined a comprehensive way in which the powers in the original EPBC Act as it still stands today could be used to engage the states in a bilateral assessment and approvals process in a way that would protect and uphold existing standards. As I said earlier, the Hawke review was a very, very comprehensive review.

The government, to its initial credit, indicated its support for those recommendations. The government, initially, in its response stated that the government was:

… committed to enhancing the scope and use of these mechanisms to reduce duplication of systems and provide more certainty for business without reducing protection for matters of national environmental significance.

Minister Burke went on in his response on 24 August 2011 to say that the environmental reforms included:

A more streamlined assessment process to cut red tape for business and improve timeframes for decision making, including an option for decisions on proposals within 35 business days, if all required information is provided.

He also committed to new national standards for accrediting environmental impact assessments and approvals to better align Commonwealth and state systems.

The government made very clear in its response to the Hawke review that it accepted, supported and embraced the review's recommendations to have greater utilisation of the bilaterals processes within the existing EPBC Act—the exact same clauses that the Greens, through this bill, seek to strip out. The Prime Minister took this approach to COAG and sought to begin the process of working with the states to actually try to get in place these reforms that would see a more complementary approach between the Commonwealth and the states to environmental approvals. What the Prime Minister said at the COAG joint press conference on 12 April 2012 was:

Look, what we want to work towards here is a streamlined system, so that projects don't go through two layers of assessment for no real gain. And so the classic examples that are brought by business is where people have gone through sequential assessments, so it's double the time, things that have been required for the first assessment are required in slightly modified form for the second assessment, so they don't even get the benefits of just uplifting the work and re-presenting it, it's got to be redone. So clearly that is an inefficient system.

In a press release she said:

At the inaugural meeting of the Business Advisory Forum yesterday, business leaders raised delays in environmental approvals and assessments as a major cost. These delays, due to duplicative processes across federal and state systems, can take businesses months or even years to resolve.

Today COAG acted on that concern and the Gillard Government and states and territories agreed to fast track arrangements to use state assessment and approval processes by March 2013.

Well, here we are in March 2013, and of course what happened is that at the end of last year the Prime Minister ran away from those comments. Even though the Prime Minister said, 'The removal of these regulations will protect the environment whilst ending the costly delays that result from double handling and duplication,' Senator Cameron claims in relation to issues
around duplication and increased business cost that the evidence has not been provided to justify those claims. Senator Cameron comes in here and says—as he did through the committee process and in the committee report—that there is 'just not the evidence' to back up the claims that there are increased costs, that there is duplication and that there is any impediment to business through the operation of the EPBC Act and state environmental approvals processes at present.

Well, Senator Cameron must think that the Prime Minister had the wool pulled over her eyes when she made those statements. Senator Cameron must think that the Hawke review had the wool pulled over its eyes when it supported reform. Senator Cameron must think that Minister Burke, when he supported the recommendations of the Hawke review, had the wool pulled over his eyes. That can be the only explanation for Senator Cameron's views and the views of the Greens in this matter: that they think everybody on the government side was conned into supporting reform and was conned into believing there were higher costs.

The reality is that there was clear evidence. That evidence was supported by the Hawke review. That evidence of higher costs and duplication was supported by Minister Burke when he accepted the recommendations of the Hawke review. And the higher costs, duplication and impact on business were acknowledged by the Prime Minister at the COAG meeting in April last year. But something changed between April last year and December last year, when COAG was expected to sign off on changes that would try to achieve streamlining and greater efficiency. Something changed that caused the Prime Minister to once again backflip on promises made to the electorate, to business and to the Business Advisory Forum of COAG. Something changed that saw the Prime Minister simply walk away from these reforms.

I would love to know what it is that changed. Was it simply pressure from the Greens? Was it fear that the Greens, through this bill and other parts of their campaign, would launch some type of public campaign against the government? Was it fear that preferences might not be forthcoming for the government later on? We now know that since then the Labor-Greens marriage has technically broken down—

Senator Williams: A divorce!

Senator BIRMINGHAM: that there is a technical divorce apparently occurring—thank you, Senator Williams. But what we see here is that even as the marriage was on the rocks, even as it was heading towards the end of its days, the government was capitulating to the demands of the Greens, despite the government's solemn public promises to the electorate and in particular to the business community to try to get greater efficiencies in place.

So what is the evidence? Amongst the evidence cited is the Deloitte Access Economics report of April 2011, a report provided—albeit late, but nonetheless provided—to the Senate inquiry into this bill. That report found:

There would be benefits to project proponents, Australian, state and territory governments and the economy from reducing delays in the assessment process …

The Deloitte report also found that the estimated benefit from reduced delays was $135.1 million in 2012-13, increasing to $288.4 million in 2020-21. In net present value terms, this represents a total gain to society of $1.19 billion. I repeat: a $1.19 billion potential total gain to society.

There is very clearly potential to improve the efficiency in the operation of the EPBC
Act. It is very clear that that can be improved by making assessment processes better, but also by making approvals processes better, and that government should have in its armoury the flexibility to achieve and pursue both of those outcomes. As the Business Council of Australia said in its submission to the Senate inquiry:

The community must be assured that under the approvals system, Australia’s unique environment and heritage values will be maintained or enhanced. This can and should be achieved without compromising the competitiveness of project proponents.

Australia’s planning and environmental laws, at all levels of government, must facilitate the efficient approval of major capital projects upon which Australia’s economic wellbeing is increasingly dependent.

The Australian economy is more reliant on the successful delivery of major capital projects than ever before. Business Council of Australia research indicates that by 2013, expenditure on capital investment is likely to grow to 30 per cent of GDP. A large part of all Australian economic activity will therefore be dependent on the success of major capital projects. Given Australia’s increased reliance on major capital projects, it is imperative that all governments configure their environmental approvals processes to ensure decisions are predictable and timely.

It is all we are looking for here: efficient, predictable, timely approvals processes. Instead, we now get from both the government and the Greens a whole lot of furphies run up. We get a tax on the states over their so-called austerity measures—which actually, of course, are just measures to try to balance their budgets, something the Labor Party does not know terribly much about—and it is claimed that this means the states could not possibly be adequate to deal with any increased responsibility or shared responsibility through the use of approvals bilaterals. Well, that is why you put standards in place. That is why the Hawke review recommended that you put standards in place: to make sure that the states have to adhere to those standards, or the bilaterals simply do not take effect. We hear the furphies suggested: what about the states sitting in judgement on their own projects? Nobody is suggesting that they do that. We hear the suggestion made: will the states have too much to gain from economic activity—as if the Commonwealth does not have anything to gain from economic activity! When projects are approved, the Commonwealth benefits from the company tax take and it benefits from the increased income tax take. The Commonwealth has very direct benefit from project approval and economic activity. So all manner of furphies are flown here. In the end, the coalition believes this bill is unnecessary. These provisions that have been in the act since 1999 should be maintained and, indeed, we are committed to using them sensibly, cautiously, but proactively, to try to get the best environmental and economic outcomes for Australia should we be elected later this year.

Senator WHISH-WILSON (Tasmania) (10:31): It is great to focus on the benefits to the states and the Commonwealth, Senator Birmingham. We did not hear much there about the risks to the states and the Commonwealth.

My journey to the Senate is very close to the bone on this topic of risks in assessments for large projects between the states and the Commonwealth. My journey really began by jumping a farmer’s fence in Tasmania, going surfing—as we often do there—and talking to a few mates about a project that we had heard about: Gunns Limited were going to put a large pulp mill in the Tamar Valley and pump effluent into the ocean in Bass Strait, exactly where we were going surfing. It occurred to me, from chatting to some of the guys, that nobody really knew much about
the project. So we wandered down to a place called Cow Head, we jumped into Bass Strait in the frigid winter, and I started thinking about this—what is this stuff that is going to go into the ocean, how much of it is going to be going into the ocean, where is it going to end up and what is it going to do?

When I moved to Tasmania in 2003, I do not think I classified myself as an environmentalist—certainly not as an activist. I went and met with Gunns Limited, I knocked on the door, and I made an appointment for a meeting, and I said to them, ‘What's this business about you guys pumping stuff into the ocean?’ It was probably too early then for them to give me any substantial detail, but the following nine years was my journey to find out about the risks of this particular project. As it turned out—and I will get to this a bit later in the speech—the only body that was assessing the risks to the ocean and the ocean outfall was the federal body under EPBC law, because it did not fall under state laws. The outfall was just far enough out to sea for it to fall under Commonwealth approval. I spent four years engaging in that process to get some scientific scrutiny on what this ocean outfall would do to a very special part of Bass Strait. I will get back to that in a minute, because it is really critical and it is a really good example of why devolving powers to the states is not the right thing to do. I also believe keeping a strong Commonwealth environmental law in place is the right thing to do not just in terms of the environment and for communities but also for businesses, for profitability and for certainty.

So why are we here debating the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012 today? What is it that has drawn us to this issue? The answer is pretty simple: it is a big push by the business community to streamline—as Senator Birmingham was discussing—environmental approvals between states and the Commonwealth—quite simply, to facilitate economic development. Now, there is nothing wrong with appropriate economic development, and I have no issues with always searching for better efficiencies in systems and processes, but this system and process that we have in Australia between the states and the Commonwealth has been in place for a long time. A lot of work has gone into improving it and it is not a stationary thing. There are thousands of people employed in this area. I have worked with some of the scientists at the University of Tasmania, for example, who have been doing cutting-edge research on looking at biological offsets under EPBC law. A lot of research is constantly going into this area, to upgrade systems, checks and balances and protocols. So it is not as if the whole system has not changed. It is always a dynamic moving feast with a lot of good people.

The Business Council's central argument for rejecting the bill is that it will inhibit long-term economic development of the Australian economy, and therefore the broader wellbeing of the community. That is fine if you see economic growth and profitability as being the same thing as the broader interests of the community. In my opinion, most of the business community these days has moved beyond that assumption. That assumption is very much a last-century assumption. In fact, business profitability is closely linked to the health of communities and the two cannot operate without working together. They also argue that successful delivery of major capital projects is critically dependent on timely regulatory approvals and well-considered and well-managed regulatory conditions upon approval. If Australia takes too long to deliver approvals or the conditions placed
upon approvals are unworkable, major capital projects will not proceed or will not deliver full value to their owners or to the Australian community. It has already been pointed out several times, including by my colleague Senator Waters, that there is no evidence or justification for these assumptions. In fact, even the BCA itself—the Business Council of Australia—admitted that the data to support this was scant. Nevertheless, it felt it was a reasonable basis to proceed with respect to entirely changing our national laws on approving major projects.

The Senate Environment and Communications Legislation Committee heard a lot of good evidence—I was not a part of that committee, but I have managed to read some of the information—but there was no empirical evidence to suggest that the current EPBC approval process is hampering investment or imposing unreasonable costs on individual projects. In fact, some of the evidence strongly opposed that and provided alternatives.

One submission which certainly caught my interest was from Economists at Large, who are partly commissioned by the Conservation Foundation to actually look into these assumptions of the Business Council of Australia. They came up with the following broad conclusions:

- There is an inherent conflict of interest in furthering the powers of the state governments to approve projects from which they will derive revenue. State Governments' desire for increased revenue may act as a disincentive to adequately assess the environmental and social costs of a particular project and to act on this assessment.

I would like to come back to that one in a moment in relation to the pulp mill. The submission went on:

- There is a limited empirical evidence to suggest that the current arrangement is hampering investment …

And further:

- The EPBC Act should be concerned with effectiveness as much as it is concerned with efficiency.

Effectiveness is the absolute key point in the submission by Economists at Large. It is not just about business efficiency here; it is about the effectiveness of these approvals—an effective means of delivering social, environmental and business outcomes and not just for the short term but over a long period of time. They also went on to conclude:

- There is little empirical evidence that links removal of "green tape" with improved productivity and enhanced competition.

- Economic assessment of projects commissioned by project proponents need independent review which state government planning departments are proving unable to provide. Federal and other independent reviews have shown serious flaws in economic assessments that have passed state approval. Diminishing federal powers would reduce opportunity for greater economic scrutiny of projects.

I can certainly attest to the following from my own personal experience. The largest commercial project proposed in Tasmania's history, the Gunns Limited pulp mill, started at about a $2 billion capex but, over time, climbed significantly higher than that. It was to be assessed by the Resource Planning and Development Commission in Tasmania, the RPDC. That process took too long for Gunns Limited. The company pulled out of the independent process. Within a few weeks we had legislation before the Tasmanian parliament to fast-track the assessment of this project. We have since found out, through evidence provided by members of the RPDC, that Gunns was critically
noncompliant in a number of key areas under the state assessment process.

However, after Don Wing, one of the longer serving upper house members in Tasmania's history, said that it was one of the darkest periods of Tasmanian parliamentary history, this legislation was rammed through both the lower and upper houses of parliament. I know because I was there lobbying as many people as I could to try to get them to see community concerns and not just take evidence from the proponents of this project. The legislation was rammed through parliament and passed into law.

I and a couple of other landowners in the Tamar Valley then challenged this legislation in the Supreme Court. Unfortunately, we were unsuccessful. The state government even went to the extent of putting privity clauses in place to prevent them ever having to provide reasons for the decisions that they made in relation to the biggest project in Tasmania's history.

That is a good example of a state government in bed with a large corporation, driving a project that was not properly assessed. The majority of assessment topics or points of assessment—such as air quality in the Tamar Valley; concerns that the locals had about odour issues, which are very common with pulp mills, particularly in a valley with an inversion layer; reputational impacts for the large and burgeoning wine industry in the area, which I was also a part of; thousands of truck movements a day, going in and out of this project; and numerous other concerns—were not covered off by the state based process, nor were some of them covered off by the EPBC process, because they did not fall under federal environmental law. I think that has also been missed here. The EPBC Act has very strict conditions in relation to what it can and cannot cover.

Luckily, for the people in the Tamar Valley and for me and my mates who surf in Bass Strait, the area that I mentioned that was covered by EPBC law was the ocean outfall. It is pretty hard to get surfers off their arse to do things, but we managed to get money and a surf rider group together to look into the scientific scrutiny of dumping 30 billion litres of industrial effluent a year, four kilometres offshore, downwind of our surf spot and 11 kilometres from seal colonies in one of the most productive salmon fisheries in Tasmania. We scraped together money. One of my friends paddled a kayak from Byron Bay down to Hobart and raised $60,000, which we used to fund a research report. We got volunteer pulp mill experts from all around the world, including from South America and Canada. We worked our networks as hard as we possibly could. We came up with a 68-page report, which we put to the RPDC, all based on input by some of the best scientists, including the Australian Maritime College, which wrote an entire chapter for us on the potential impact on marine species. This is all from volunteers, in their own time, with families, with jobs, with businesses, having to get this assessment done. Anyway, it went to the RPDC and of course we never got a response, because the RPDC process was cancelled. So we then went to the federal government. We met with then Minister Peter Garrett in his office in Maroubra. We also met with him later in Canberra with, at that stage, the shadow caucus and a large number of people and we lobbied really hard to get some work done on Bass Strait. I would like to put on record that my group at this point had never said they opposed the pulp mill project; they simply wanted the risks to the ocean to be addressed. As it turned out, Minister Garrett agreed with us: the modelling that had been done had not been based on any data collected in the field.
Gunns then had to go away and do the oceanographic studies that would show where this effluent would go. This effluent included dioxins and furans, some of the most toxic substances known to man. It took them three years to actually map how far this effluent would go. At the end of the day, the project then ran into global financial crisis headwinds and it never got off the ground. To this day, we still do not have the evidence back as to the potential impact of this project. It is a really good example of why we need federal environmental laws, because we would not have got that project assessed—just like all the other things that were never assessed.

Companies that just focus on efficiency rather than effectiveness think that that is good for profitability. I would argue that that is not the case. In fact, any financier for a project or any company looking at corporate finance, whether it is for a coal seam gas project, a new coalmine, a pulp mill or a forestry or a fishing operation, has to have a return, and risk is always written into that return. This risk-return relationship is very familiar to most university students or even to most finance students at school. The higher the risk of the project, the higher the required return for it to get financed.

In this day and age—in the information age where everything is online, where citizens are empowered to go onto social media, where messages are relayed very quickly and where blog sites are everywhere discussing these things—information is the key to the future for environmental awareness and education. It cannot be ignored. No matter what project we look at now, it will be scrutinised—if not by state governments, if not by federal powers, the community will scrutinise these projects. I have seen it not just with the pulp mill, where 20,000 people marched and hundreds of people I know gave up their time to make sure everything was scrutinised. Our group split up an 8,000-page environmental impact statement amongst 200 people. Everyone had to read a certain number of pages and report back.

If a community is motivated enough, they will scrutinise a project. It is dangerous for companies to assume that they can go ahead with large projects without that type of scrutiny. In the risk-return relationship, I would argue that not addressing all the risks comprehensively upfront is an enormous opportunity cost for companies and it is an enormous risk for their future projects. If things go wrong or the community are not on side and social licences have not been delivered, my experience is that shareholders will walk away—and shareholders are very easy to lobby these days in the new age of technology—ethical investors will pull their money and it is going to be very difficult for companies to operate in these environments. And, if the externalities that are created by projects are not assessed as well, eventually companies will end up having to pay for those externalities. It is much better for investors to get that information upfront before they proceed with a large project, no matter what it is. It is better for that information to come out upfront in a comprehensive form before they proceed with the project.

As for an extra layer between federal and state assessments increasing inefficiencies in the process and the idea that that is somehow a fillip to increasing sovereign risk of investing in Australia, I again highlight that this was disputed by the Senate inquiry as having no factual basis. Regarding sovereign risk, go and speak to Tom Albanese, the recently departed Rio Tinto CEO, and ask him about sovereign risk. We often hear this throwaway line that a carbon tax, a mining tax or federal approval processes are increasing sovereign risk and that companies
are going offshore, that they are taking their money and their investment elsewhere and that this is impacting on jobs. What evidence is there of this occurring?

Senator Eggleston: Look at west Africa.

Senator WHISH-WILSON: Yes, look at what happened in Mozambique—my point exactly. Mozambique was going to be Rio Tinto's new, big greenfields coal site—one of the biggest coalfields in the world. Look at what happened: $14 billion in write-downs. 'Thank you very much. Thanks for coming. There's the exit, Tom Albanese, see you later.' Just because we have an efficient system in this country for assessing environmental projects on a federal and state basis does not mean that we are a high sovereign risk.

I have here the SmartMoney list of countries for sovereign risk, political risk and country risk. I used to teach this to my students. Australia is in the top 10 and has been for a long time. Mozambique is about No. 48 on a lot of different factors. Go and read that and then tell me that companies are going to leave this country—a stable political environment, English-speaking and with long track records—and take their billions of dollars elsewhere. It is the No. 1 argument that I hear on that side of the room and it is rubbish. Yes, they will diversify their portfolios; they will always look for projects offshore to diversify their earnings—they need to do that from an exchange rate point of view. The idea that they are somehow going to dump Australia is false. We need to maintain our federal environmental powers in balance with the states. That is why this bill needs to be supported.

Senator SINGH (Tasmania) (10:51): I rise to speak to the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill and I want to thank Senator Waters for bringing forward this bill on this important issue because I think our environmental regulatory system is certainly one well worthy of discussion in this place. I also want to acknowledge the discussion and the deliberation that has already taken place amongst senators about this bill, both those who participated and are on the Senate Environment and Communications Legislation Committee, also the contributions thus far from Senator Cameron, Senator Birmingham, Senator Whish-Wilson and Senator Waters. Also, I would just like to acknowledge the input that has come forward from environmental groups. I have met with many of them such as Birdlife Australia, Wentworth Group of Concerned Scientists, the Nature Conservation Council of New South Wales, the ACF, the WWF, Environment Tasmania, and there are others of course that have been involved such as Greenpeace and Wilderness Society.

By way of background, I would just like to talk about how this came about from the government's perspective. On 24 August 2011, the Minister for Sustainability, Environment, Water, Population and Communities released the government response to the independent review on the Environment Protection and Biodiversity Conservation Act 1999—also known as the Hawke review—as part of a broad package of reforms for Australia's national environment law. This review was proactively commissioned by Labor in an effort to improve our environmental regulatory system. Indeed, the aims of the review were to promote the sustainability of Australia's economic development, to reduce and simplify the regulatory burden and ensure activities under the act represent the most efficient and effective ways of achieving desired environmental outcomes.
From that, you can see it was very much a broad ranging review looking at environmental law in this country. COAG then agreed on 13 April 2012 that the Australian government would work with state and territory governments to develop bilateral arrangements allowing the Commonwealth to accredit state and territory assessment and approval processes. In particular, it was considered by the government, and by many in the community, that a strong uniform national approach to environmental regulation would enhance proponents’ capacity to comply with important environmental conditions and government's capacity to regulate that and facilitate development.

It was claimed that a single system would allow proponents—often dealing with complex projects by businesses that operate across boundaries—to understand the expectations of them more easily when it comes to environmental protection, and that it would help facilitate the aim of the EPBC, which is to provide a coherent national assessment process. However, it must be remembered that turning assessment and approval powers over to states and territories is not, and was not, supposed to be an end in itself. It is a proposal that some may say had merit if it helps strengthen Australia's capacity to provide for environmental protection and conservation. However, it has since become clear that the states and territories take a variety of approaches to environmental assessments, seemingly with some very different motivations, one may say; a different emphasis on different parts of the process and with a wide variety of different capacities to deliver on important environmental regulation.

It is also very concerning that coalition states in particular, do not seem able or willing to properly manage any sort of approval powers that they have at the moment. Indeed, we only have to look back at the Queensland government in particular who, late last year, showed itself to be very much reckless with environmental issues associated with substantial developments, and unwilling to go through a proper assessment process. When I am talking about the Queensland government, I speak in particular of the Alpha coalmine. One only has to think back to that not so long ago. This was a project that ultimately received approval from both levels of government, but the Premier of Queensland, Mr Newman, effectively described the environmental oversight as a stop in the way, asking federal Minister Tony Burke to, 'get out of the way'.

Minister Burke of course was simply doing his job under the Environmental Protection Biodiversity Act, making sure that the development conformed to the best environmental standards, the standards thatQueenslanders and all Australians I am sure would expect. Minister Burke said at that time:

If what the Premier of Queensland wants is for me to give approvals without conducting checks, then I will stand in his way.

And I am pleased that the Minister Burke said that. He said:

If he wants us to trash the Great Barrier Reef … we will stand in his way. If he wants to clear-fell every acre of koala habitat in South-East Queensland, we will stand in his way.

Amongst the range of environmental concerns excluded from the assessment were the management of wetlands and the impact of run-off and coal dust on the Great Barrier Reef, among other conditions. From that you can see very much the role that the federal government needed to play in the Alpha coalmine development proposal, and that federal government has always needed to play in a range of environmental assessment projects and proposals.
I want to acknowledge the role that the federal government has always played in environmental protection. In doing that, I have to say that I reject the Greens comments about being the only party which cares for the environment. That is the furthest from the truth. I think the example that I just gave from the minister for the environment, Tony Burke, in relation to the Alpha coalmine very much demonstrates that. We only have to go back a few decades in history, or even less, to look at the role that Labor has played in caring for and protecting our environment, a role that I am incredibly proud of. We can look at the Hawke federal Labor government, for example, that intervened in the case of the Franklin Dam in my home state of Tasmania, a campaign that was very close to my heart. They intervened on the basis of a campaign which was waged by many Tasmanian and national Labor members and friends. In fact, that was one of the reasons, I have to say, why I joined the Labor Party, because of Labor's stand on the Franklin Dam.

While I will acknowledge the role of campaigners like Bob Brown and Christine Milne, equally important to our environment were people like former Tasmanian Treasurer Michael Aird and supporters within the Whitlam and Hawke governments. One member of both of those governments particularly dear to my heart is the former minister Tom Uren. Tom Uren, as many of you would know, turned 90 not long ago, and in the Australia Day honours awards he was given one of the highest honours that Australia can bestow on an individual: the Companion in the General Division of the Order of Australia.

Tom Uren was indeed an incredible champion for the preservation of heritage and areas of environmental significance. He was a champion for the environment long before the Greens party was even a thought. In 1970, Tom Uren spoke out on the environment. He spoke out on a range of environmental issues, including highlighting the devastating fact that the Shell oil refinery at Clyde was blowing 30 tonnes of sulfur dioxide into the air every day and leaking oil into the Duck River, a tributary of the Parramatta River that ran through his electorate. He spoke up again in my home state of Tasmania on the protection of the glacial jewel Lake Pedder and called for a halt to plans to drown Lake Pedder. He also supported the conservation of Sydney's natural and built environment. I have to say that Tom Uren has been a hero to me. He is someone of incredible strength and character and was incredibly deserving of that Order of Australia medal on Australia Day.

Of course, there have been others as well. A number of people in Labor have stood up and championed our environment. It was federal Labor that helped to embed environmental protection into the policy agenda for all Australians and to raise the consciousness of the environment of the Australian people. There are other examples I could share with the Senate. They include the Traveston Dam, the Daintree and Kakadu, a place that Minister Tony Burke only last month finished the job of protecting by moving Koongarra into Kakadu National Park, another iconic decision by a Labor government that has a deep and abiding belief in the protection of our most precious places. So federal Labor has helped to change that culture and to make environmental protection a basic requirement, and I have to say that is a legacy that I am proud of.

The bill before us today has gone through the Senate inquiry process, and the recommendations that have been provided by that committee say that we do actually need to look wider at the range of issues that are involved when we talk about federal
environmental protection than those which the Greens have put forward. I think that is the basis of why we are in this voting position on this particular piece of legislation. If we want to talk about the specifics of this legislation, I think we need to look at where we are right now in relation to it. As I said before, we had the COAG process that began in April last year followed up by COAG again meeting in December last year and being advised that negotiations would not be progressed given the significant challenges that emerged in developing agreements. So, as far as any kind of approval of bilateral agreements between federal and state governments, COAG have now moved to a situation of not progressing this issue further. I have to say that, personally, I am pleased with that in the sense that we can now look broadly at the recommendations provided by this inquiry into the bill that Senator Waters has brought forward. We can look at the importance of the federal government in environmental protection in our nation. We can again draw on some of the history that I have traversed thus far. We can also then look at other ways. If we are talking about achieving efficiency, if we are talking about looking at the breadth of the Hawke review, let's look at other ways of achieving efficiency than this approval of bilateral agreements.

And there are other ways to achieve efficiency in environmental law that do not rely on handing federal approval powers to the states. For example, undertaking strategic assessments of developments in a region or urban setting often benefit businesses far more than delegating approval powers to states and will result in avoiding thousands of project assessments. I understand that since August 2011 the government has doubled the number of strategic assessments undertaken. I think we need to pursue what will work and what does not work in looking at efficiencies. What has been made clear—and why COAG had negotiated to the point where they were last December—is that what will not work is approval powers to the states. We have coalition states in this country that are unwilling and unable to get their own houses in order, let alone deal with the federal Environment Protection and Biodiversity Conservation Act and its details of assessment as well. Queensland is a very poignant example of a state government that either does not care about the environment, has not got the capacity to understand how to deal with the environment or simply has not got the ability and the right people to get that work to happen.

So I am pleased with where COAG has found itself in that regard, but I think we can come together in the sense of looking at other ways we can improve things. I agree that it is a waste of time for both state and federal governments to be doing approvals on the same environmental factor. There should be some diminution of those issues that states look at and federal. But the overarching final say and need for final checks and balances should be done by the federal government. I have always believed that. I believe that what we have seen through this inquiry and its report, which is a good, detailed report into the particular bill that Senator Waters has brought forward, is a whole range of issues that come out of the role of the federal government in its approval process for various developments and the lack of resources and the limitations that state governments have in their approval processes as they currently stand, let alone loading the federal approval processes to them on top of that.

As I said before, I am very proud of the fact that Labor has a good, strong record of standing up for our environment. You only have to look at our introduction of carbon pricing last year, which again adds to
ensuring that we care for our environment and for the people living in our environment in Australia for decades to come, doing so at a national level but through that carbon pricing at an international level in leading to an emissions trading scheme that we will trade with other nations on, all in the name of reducing man-made pollution that we continue to contribute into our environment, with the detrimental effect that it is having on our sea-level rises and the ongoing effects that will have in other parts of our environment and on the people that live in it.

The recommendations have made it very clear that any streamlining and strengthening of environmental regulation has to take into account our national and international obligations. We have to look, therefore, way beyond what is currently before us. We have to look at the whole breadth of the issue of environmental law and the whole breadth of the Hawke review when we are talking about any kind of efficiency gains that we may want to achieve through environmental assessment processes. But clearly the approval bilateral agreements process is not one that is currently, as I understand it, on the COAG agenda. We have seen that the states are simply not in a capacity to do that. That should give some comfort to those campaigners, those that appeared before this inquiry, those that have worked in the environment and continue to do so each day, knowing that we are in fact at a point now where states and the federal government will not be reaching any kind of bilateral agreement position.

I am proud of Labor's commitment to working on environmental issues. We need to ensure that we have the best environmental regulations, because you only get really one shot at getting it right when you are talking about the environment. We have learned from the past mistakes that have been made in some areas of our environment when we have unwillingly seen decisions made such as in relation to Lake Pedder, to use my own state example again, which unfortunately was drowned, and I know there are still some campaigners out there who would like to see it drained. We have seen also some really important gains made by federal Labor governments who have a long record of standing up for the environment. That is something that I am very proud to see as we go forward in this century.

Senator IAN MACDONALD (Queensland) (11:11): Liberal and National party governments in Australia have a very proud history of environmental protection. Our contribution is one of the reasons why today our nation is amongst the world's great environmental achievers. The history of the coalition's contribution to Australia's environment goes way back to the Menzies years, and for the Greens to come in here today and say that they are the only party interested in the environment shows what a loony left-wing ratbag mob of people constitute the Greens political party.

As always, and history will show this, the environmental advancements that have been made in our country have been done by Liberal and Liberal-National Party coalition governments. We do not just talk about it, we do not take the sexy, popular, top of the mind issues—we do the serious environmental work. I will go through some history to demonstrate that. But do you ever hear the Greens talk about the weed menace in Australia? You hear them talk about the Barrier Reef because that is popular and they can get a couple of votes out of that. But one of the greatest environmental problems for Australia is weeds. It costs Australia something like $4 billion a year. Do you hear the Greens or the Labor Party ever talk about weeds? No, because that is a rural thing; it is not sexy, it is not front of mind, so they do
not care. But the Australian government, I am proud to say, in the time when I was conservation minister, put $40 million over a three-year program to try and make a dint, and it could only be a dint, a start on trying to address Australia's real weed practices.

Like Senator Birmingham, I am a little shocked to be agreeing with Senator Cameron on anything at all, but I do have to say that right up until the last part of the speech I thought it was very good and that Senator Cameron, after three or four years now being the Greens' closest ally in this parliament, has suddenly turned on them with a vengeance, and in that turning Senator Cameron has found truth at last when he talks about the record and the stupidity and the dishonesty of the Labor Party's former very close allies in this parliament. Well, they are still close allies. The Greens will never vote against anything Labor does, but clearly the marriage has soured a little bit in recent times—and Senator Cameron's honesty exemplifies that.

But I go back to the Liberal government of Robert Menzies. The Menzies government was the first to sign the Antarctic Treaty and enacted and presided over the foundation of the Commonwealth Scientific and Industrial Research Organisation, the CSIRO. That in itself in those early days was the foundation upon which environmental policies past and present have been built and continue to be built. The work of the Menzies government continued right through to the Howard government, and I just want to mention some of those achievements of Liberal and National party governments.

Funding for the CSIRO from 1949 to 1966 increased by almost 1,000 per cent—from $4 million to almost $41 million. It was the Menzies government that addressed the rabbit plague. You do not hear about that from the Greens these days, but that was a serious environmental problem for Australia. That was addressed by the Menzies government with, amongst other things, the myxomatosis virus that was introduced. During the time of the Menzies government, Australia was one of the 12 original parties to the Antarctic treaty, which has done so much to protect that southern continent.

Australia's first office of the environment was created under John Gorton's Liberal government. Indeed, the first federal environment minister, Peter Howsen, was an appointment of the McMahon Liberal government. Work on establishing a program to protect the Great Barrier Reef and other national parks commenced in 1972—again in the time of the McMahon Liberal government. You might remember—though it is not talked about much these days—that the Australian and Japanese governments back in those days signed treaties to protect endangered migratory birds. These are just some examples of the work that Liberal and National party governments have carried out since time immemorial in Australia.

It was a Liberal government that attended the Stockholm conference where there was overwhelming approval given for a moratorium on the commercial killing of whales. Indeed, it was the same Australian government that was very much to the fore in the regulation of ocean dumping and the establishment of the World Heritage Trust to preserve wilderness areas. Those of my era at least can remember the trauma over the preservation of Fraser Island, off the Queensland coast. Was that dealt with by a Labor government? No. It was dealt with by a Liberal-National party government, and Fraser Island has been protected. The National Estate was formed by a Liberal government. Uluru National Park was proclaimed under a Liberal and National party government.
Time will not permit me to go through the whole list, but it was Liberal-National party governments that established the first nuclear codes to make sure that radioactive waste was dealt with appropriately. It was Liberal-National party governments that developed stage 1 of the Kakadu National Park. The Wild Protection Act was another initiative of Liberal-National party governments.

The Fraser government nominated three sites in Australia for inclusion on the World Heritage List—the Great Barrier Reef region, Kakadu National Park and Wilandra Lakes. Do you ever hear any acknowledgement from the Greens about the work that Liberal-National party governments have done on the Great Barrier Reef? Indeed, it was Liberal-National party governments that inaugurated the Environment Protection (Sea Dumping) Act in 1981. In the same year, the Fraser government declared the Cairns section of the Great Barrier Reef as a marine park. It was the Howard government that established the $1 billion trust fund for the protection and rehabilitation of Australia's national environment. Since then, that fund has contributed some $5.1 billion to the protection of Australia's natural assets.

To suggest that the Greens are the only ones in this chamber that care about the environment just shows how illusionary and delusory are those people who support the Greens. It was the Howard government—and again I am very proud because I had a small part in this—that established the regional forest agreements in Tasmania that led to nearly half of Tasmania's land mass being preserved for forests. The first Australian Greenhouse Office—the first greenhouse office established anywhere in the world—was established by the Howard government. The first National Oceans Office was established by a Howard government. We also launched the first coordinated strategy to protect native species. Salinity and water quality is another one. Remember that? Just a few years ago under the Howard government there was a massive investment in that.

These are genuine, real environmental protections for our country—the sorts of things that have never been replicated by the Labor Party in the years they have been in government and will certainly never be addressed or implemented by the Greens political party. As others have said in this debate, the strongest-ever piece of federal environmental legislation, the Environment Protection and Biodiversity Conservation Act, was an initiative of the Liberal-National party government. We designated six wetlands for inclusion on the Ramsar site. One area included in the Ramsar wetlands register is around the Ord River, a man-made lake which has been so successful that it has built one of the great natural reserves for wildlife at the present time.

I could go on, but my time will run out. Suffice it to say that the green zones in the Great Barrier Reef caused us a lot of political difficulty. They caused the taxpayers to fork out something like $200 million in compensation, and it is still going, yet that was done. Not only do we make the right environmental protection but we also make sure that people do not suffer. That is why that adjustment package has helped those who used to rely on those areas to get through that difficult period. But you did not see that with the Labor Party's current proposals for bioregional planning. They just want to lock things up—things that in many instances do not need locking up. They want to destroy businesses and communities and they want to talk about compensation, but mark my words: no Labor government will ever provide compensation for the hurt it has caused in some of the things that have been done. We also committed almost $400
million to protect Australia's fisheries from illegal foreign fishing. It is not sexy anymore—do you ever hear the Greens or the Labor Party talk about that? In fact, the Labor Party have taken away the specific vessel that the Howard government acquired to look after our fisheries protection—it now runs a taxi service off Christmas Island. We have a very proud record.

I turn to the bill before the chamber that the Greens are proposing. The Greens are concerned with preventing the states and the Commonwealth working together in enforcing, planning and implementing all of the environmental regulations and, sometimes, good works that are done by federal and state governments. What the Greens want to do, for some reason that I can never quite understand, is to make it so difficult to get through the green tape and the red tape that people will not bother developing Australia. You will never look after Australia's environment if the country is broke. All the way through, the Liberal-National Party governments have been able to make a real contribution to Australia's environment because we had strong economies. Now we have an economy that is so weak that from an $80 billion surplus under the Howard government we now have a $200 billion deficit that is spiralling downwards. You cannot run a strong country and you cannot look after the environment if you have a poor economy. Thanks to the Greens siding with their mates in the Labor ministers, particularly Mr Burke, you will be in it in the future. They deliver retribution if you should so much as criticise, so I will not mention names here. A group was wanting to put in a prawn farm near where I come from. They spent literally millions of dollars getting state approval, the most exhaustive process they went through. Having achieved state approval—and this was under a state Labor government—they then had to do the whole process again to satisfy a federal Labor government that the state approvals were in order. Upwards of $15 million was spent on approvals for a prawn farm which under any definition would have been good for the environment, good for the economy, good for Australian jobs and good for trying to give Australians the opportunity of buying Australian produced seafood rather than the 72 per cent of imported seafood that Australia currently has.

The Liberal and National parties, both at state and federal levels, want to reduce the red and green tape compliance burden. That does not mean to say we want to lessen the requirements for proper development or environmentally sustainable development; the rules stay, both state and federal. But let us at least have one group of officials and bureaucrats who can assess all of those things and give a final tick-off or a final rejection to development plans. My state of Queensland is littered with projects that struggle to get state approval. I must say, with Campbell Newman's government there are at least more resources and some urgency put into dealing with them—not necessarily approving them, but dealing with them and giving people an answer. But then people have to turn around and do the whole process again. There are any number of projects in my state of...
Queensland that are held up because they simply cannot get a decision from the Commonwealth environment minister. The Commonwealth environment minister, Mr Burke, is that great intellect who as fisheries minister encouraged people to invest in a supertrawler, then became environment minister and, after these people had taken his word and invested their money in this supertrawler to sustainably fish a fishery, axed it. One wonders why Australians and foreign investors are starting to think very seriously about any investment in jobs and development in Australia. If we do not have jobs, if we do not have an increasing gross domestic product, we will never have the money that is needed to address some of the real environmental problems Australia has.

What do the Greens want to do? They want to make it difficult. They want to add to the red tape add to the green tape; they just want to make it so difficult that people will not want to invest in Australia. When that happens Australia loses economically and we are less able to address, with money, the things that only money can address in the environmental world.

I conclude by saying how proud I am to be a member of a party that has done so much for the protection of our environment and heritage in this country, a party that believes that a good economy and a good environment are not mutually exclusive. Most Australians now understand you can get the best of both worlds. You can get a good economy, you can get good jobs and you can look after the environment at the same time, as our history has proved we have done. Therefore, I join my colleagues in rejecting yet another attempt by the Greens political party to make development in our country impossible and therefore robbing Australia of the money that it needs to address the environmental problems that we face.

Senator RHIANNON (New South Wales) (11:31): I do congratulate Senator Larissa Waters for her strong campaigning for the environment and for bringing to this Parliament this important private member's bill, the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012, about retaining the federal approval powers. It is certainly what is needed and the speeches that we have heard from coalition and Labor senators remind us of how important this legislation is.

It is very interesting to hear how similar those speeches are. When it comes to considering how we strengthen environmental protection we see the coalition and Labor really involved in quite an ugly collaboration. Despite the statements that we have heard from Senators Cameron, Birmingham and Macdonald, we obviously know that there are people from other parties who enjoy the environment. We are not denying that, that is ridiculous, that is a red herring. What is being addressed here is about protecting the environment. Those speakers, Senator Cameron, Senator Birmingham and Senator Macdonald, had a very similar theme to their speeches. They are just avoiding dealing with the all-important issue of how we tighten up the protection. What we have seen under successive federal and state governments is these laws being weakened. That is why Senator Larissa Waters's bill is so important.

The Greens strongly oppose the coalition and the Labor government ganging up to hand over federal responsibility for protecting our national environment to state governments. These state governments are so often pro-mining, pro-logging, pro-shooting in national parks; they do not have the commitment to ensure that the all-important green corridors are there; they do not stand up to the big end of town that so often put
their profits before the all-important environmental protection. These state governments are not actually committed to working to get the balance right. When you have governments like that, that just open the door to those companies, it is clearly time to look at the laws closely—and thank heavens we have this bill before us.

We know the current environmental laws are failing us. We have already lost valuable places and endangered wildlife species due to rapid and damaging developments surrounding these precious places. I have seen that up close in New South Wales. Again it was where we saw a very ugly cooperation between Labor and the coalition parties weakening planning laws in New South Wales to allow rampant development, often in areas of important environmental significance.

It is worth putting on the record that one aspect of that planning law that became so notorious in New South Wales was called part 3A. As we would all know in this place, we might be working on legislation but once you are out mixing with the public people rarely know parts of the act. But part 3A became very well known amongst the public. People knew what that meant to their local area. It meant community consultation was ended and it gave enormous power to the planning minister of the day, where he or she did not even need to take advice from their own director-general. That was a change to the planning laws brought in under the cooperation of Labor and the coalition. That is a theme of environmental protection in this country in recent times, and in this debate we are seeing the cooperation between these two parties very clearly and very blatantly.

We need to strengthen national environmental protection— but, instead, Minister Burke is preparing to hand over his responsibilities to state governments. The minister, under the Environment Protection and Biodiversity Conservation Act 1999, has the power to protect places and animals that we know are so important to Australians. People value our wildlife, they love our precious places, our natural environment. We also know that the law that provides protection is already minimal, already provides very little protection. We cannot go backwards. That is what this important bill that we are debating today addresses. Australia faces a biodiversity crisis.

History shows that state governments cannot be trusted to step in, deal with and stem in this crisis. Neither can they be trusted to act in the best interest of protecting our precious places. What we see is that they continue to place commercial interests before the interests of the environment. I obviously acknowledge we have to get the balance right here, but there is not a balance at the moment. Protecting the environment needs to become a priority for government, because we can develop greater jobs growth and greater productivity if we have that environmental protection in place. Otherwise, the damage to our communities becomes so severe that it is all out of balance. Again I would like to look at examples from my own state. Here, national parks are under real threat of losing their conservation status.

The coalition government in New South Wales has decided to open up 79 national parks, nature reserves and conservation areas for recreational shooting and hunting. This has been on the record—but we always need to repeat it because it is, again, an ugly part of how politics is being played in this country—that the Liberals and Nationals in New South Wales have done a very dodgy deal with shooters. They have got some of their legislation through and, in turn, they are giving the shooters what they want. At the moment, what they want is shooting in
national parks but they also want to make it easier for young people to shoot. That is something they want to push through.

For the moment, let us look at the environmental issues. We need to remember that Labor also has its fingerprints all over this issue of shooting in pristine environmental areas in New South Wales. It was Labor that started the deals with the Shooters Party. Labor opened up state forests in the first instance to allow hunting in those areas.

We just heard some ridiculous comments from Senator Ian Macdonald that the Greens are not working on feral animal controls. We are very committed to controlling feral animals. We have always said that it needs to be done with an evidence based approach using professionals. Senator Macdonald's party is actually setting back the work to control feral animals because it is being undertaken in a way that is now shown to often result in feral animals proliferating because these recreational hunters are not interested in taking out all the animals. They do not have the expertise to know how to do that, and there have been examples of them leaving some of the stock so that they can come back to continue their hunting expeditions on another weekend.

The New South Wales government is also pushing to develop Newcastle's fourth coal export terminal, called T4. Again, we see collaboration between Labor and the coalition. In the Hunter region, there are already dozens of coal mines with many more proposed. The proposed coal loader is clearly not needed but it is being pushed ahead to help fast-track the opening of new coal mines. The approval process for those coal mines is very much linked to the go-ahead being given to this T4 terminal.

As well as being linked to this new coal infrastructure, if it were built, and as well as being linked to driving a greater health burden on local people from excessive air pollution, we know there would also be enormous damage to the wonderful Hunter estuary to really important homelands for the bird population in those areas. I had the opportunity recently to fly over the area on a helicopter inspection trip. It is really world class. Much of it has been recognised as Ramsar wetlands, but, interestingly, not all of it. That becomes quite worrying because areas—and I have been shown these areas—that should have been included when some were listed as Ramsar wetlands, and therefore required Australia to provide protection under international treaties, were left out. You start to wonder why some of the areas were left out—areas that are now marked for a coal loader. It certainly seems very unusual. It has raised many suspicions amongst local people: was a deal done on this? It is a question that has been put to me.

The New South Wales government is now waiting for the go-ahead from the Commonwealth government, which under the EPBC Act has to assess the impact of T4 on these valuable wetlands. To spell out just how significant these areas are, hundreds of thousands of birds migrate to Australia—even from the Arctic. I find it quite amazing: the very small birds fly so far, have stopovers in Korea and Japan as they fly down, and arrive at the Hunter estuary. They find that much of their habitat has already been covered by other developments and, now, one very important piece of wetland could be destroyed if the T4 project goes ahead.

BirdLife International has designated part of this area as an IBA, which stands for 'important bird area'. The Hunter estuary is widely recognised as the most important migratory shore bird site in New South Wales, and that is despite the enormous development that has occurred in the area.
You can imagine what it would have been like originally when it was in a pristine condition. It is still recognised as the most important area for wetland birds along the New South Wales Coast and across New South Wales. As I said, this area is not included in the Ramsar listing and I want to emphasise that. I will return to the area on Saturday. There is a big community protest about the T4 and I know I will be questioned about it. People are quite shocked that an area right beside a habitat that is Ramsar listed—this area is worthy of Ramsar listing although, for some reason, it is not—and people really want answers to that.

If the fourth coal loader, T4, went ahead it would also result in the loss of more feeding and nesting sites for resident shore birds in the Hunter estuary. These are the birds that are not migratory and live there all the time. Again, further very significant impacts will affect the bird life in this area. It is simply unacceptable. The Australian government has contractual obligations with China, Japan and Korea to protect these migratory shore birds and their habitat. That is a wonderful cooperation between countries that are in the flight route of these amazing birds that travel from one end of the world to the other. Yet we might be about to destroy their key areas where they breed and feed to replenish for the long flight back.

We also need to comply with the Bonn Convention for the protection of migratory wild animals, not to mention our own EPBC Act. But what we see here is that the federal government again too often drags the chain. This is where they really do need to do the right thing and reject the destruction of these wetlands. That is just one example. We are hearing from other Greens senators about the problems faced in their states. It is a real reminder of what would happen if the federal government handed over their EPBC responsibilities to state governments who are so cavalier about environmental protection. I have no doubt that we will see more environmentally damaging projects go ahead if that is where this heads.

The New South Wales government have not only failed in terms of developments in the Hunter. We have seen them fail in many other developments, and a real stand out is with regard to the habitat of the koala. They have facilitated the destruction of large tracts of valuable koala habitat. We have seen that in the approval of mines, like the Maules Creek coalmine in north-west New South Wales; in massive housing developments; and also in forestry plans that have been allowed to go ahead.

People—again, particularly those from overseas—cannot believe that we do so much damage to the koala's habitat. People know, in this day and age, that species cannot survive without their habitat being intact, without having those corridors so that they can move and the populations can intermingle and you can have a healthy population that is able to expand. But we have environmental laws that do not protect the koala habitat. Now Minister Burke wants to give away his powers to protect koalas and other species to state governments, even though those very governments have already failed to protect koalas. This is a huge issue for us in New South Wales because we have a number of significant koala populations in the south-east, where I was recently. They are actually now thinking there might be a new subspecies of koala in that area that is bigger than other koalas and more furry, and I am very interested to hear more about it. But, again, these people are so shocked to hear that the little protection that is in place could be further wound back.

It is worth remembering the comments back in 1999 of our current Prime Minister, Julia Gillard—obviously before she was
Prime Minister and when Labor was in opposition. At that time she opposed passing environmental protection responsibilities to the states, and it is worth remembering her words:

… states with track records of environmental vandalism like Victoria …

She identified that states like that could not be trusted.

But, sadly, Labor has come into power and nothing much has changed. That is really deeply troubling and, again, a reminder of the serious problems that we have because Labor and the coalition are so similar when it comes to dealing with the environment. Getting that protection in place is really hard when they are just so weak on this most critical issue for the 21st century. Protecting the natural environment is vital for the health of our own communities. One goes hand in hand with the other. And, at the moment, we are seeing a failure from this Labor government.

The Greens do strongly oppose the government's plan to pass responsibility for protecting the national natural environment to state governments. And the Australian community is with the Greens on this one. People understand how important this issue is. We cannot afford to let the government get into bed with the coalition and water down environmental laws. This is just too important. We need to act and act together. It is an issue for the environment, for our communities and for the national interest, because if we do not we actually jeopardise the future of our most precious asset, the natural environment. That is something we are all part of.

Senator McEWEN (South Australia—Government Whip in the Senate) (11:48): In the few minutes available to me I, too, would like to make a contribution to this debate about the private senator's bill we are debating this morning, the Environment Protection and Biodiversity Conservation Amendment (Retaining Federal Approval Powers) Bill 2012. As many speakers before me have said, I would like to note that, as usual when it is a Greens private senator's bill, we have been delivered a good dose of sanctimony to start the day off. Anybody would think that the Greens were the only party in this parliament who cared about the environment.

It is interesting again to hear from the fairies at the bottom of the chamber about how they manage the environment and the need for Australia to be a modern, developing economy. We all know in this chamber that there are tensions in this; there are tensions between protecting our environment and ensuring that Australia can continue to develop and grow as it is doing under the Gillard Labor government. There are no simple solutions to that tension.

But the Labor government is very proud of its record in this regard, and the bill that this private senator's bill is seeking to amend is a very important piece of environmental legislation—the premier piece of legislation—and all senators have a big investment in it. It was first introduced into the parliament by the coalition government and many amendments have been made to it over the years since. Mostly those amendments have been with bipartisan support, because we all understand how important this legislation is. But there is not bipartisan support for this proposed amendment in this private senator's bill because the matters that are under discussion between the states and the federal government are important and complex ones and should be rightly discussed at COAG and considered.

I must say that the committee report on this bill has illuminated many of the
complexities involved between the states and the Commonwealth government with regard to environmental legislation. The federal government is not about to make rash decisions in this regard.

**The PRESIDENT:** Order! The time limit for this debate has come.

**NOTICES**

**Presentation**

Senator Collins to move:

That the provisions of paragraphs (5) to (8) of standing order 111 not apply to the Australian Sports Anti-Doping Authority Amendment Bill 2013, allowing it to be considered during this period of sittings.

Senator Abetz to move:

(a) notes that the Minister for Employment and Workplace Relations (Mr Shorten) addressed the Maritime Workers Union’s militancy conference on 26 February 2013, celebrating 140 years of the militant struggle and the bringing together some of the most successful and militant trade unions from around Australia and the world;

(b) notes the Fair Work Ombudsman’s civil prosecution, in Fair Work Ombudsman v Maritime Union of Australia & Anor WAD132/2012 in the Federal Court of Australia, for breaches of the *Fair Work Act 2009* by the Maritime Workers Union of Australia, namely circulating posters labelling workers as scabs;

(c) condemns comments by Maritime Workers Union Western Australian Secretary, Mr Cain, at the same conference who told delegates that laws had to be broken; and

(d) calls on all Australians to obey the laws of the Commonwealth and its states and territories.

Senator Bilyk to move:

That paragraph (17) of the resolution of appointment of the Joint Select Committee on Cyber Safety be amended to read as follows:

(17) That the committee may report from time to time but that it present its final report no later than 27 June 2013.

**Senator Milne** to move:

That the findings of the Auditor-General’s audit report no. 22 of 2012-13, *Administration of the Tasmanian Forests Intergovernmental Agreement Contractors Voluntary Exit Grants Program*, be referred to the Rural and Regional Affairs and Transport References Committee for inquiry and report by 12 April 2013.

**COMMITTEES**

**Selection of Bills Committee**

**Report**

Senator McEWEN (South Australia—Government Whip in the Senate) (11:51): I present the third report of 2013 of the Selection of Bills Committee, and seek leave to have the report incorporated in Hansard.

Leave granted.

*The report read as follows—*

**SELECTION OF BILLS COMMITTEE**

**REPORT NO. 3 OF 2013**

1. The committee met in private session on Wednesday, 13 March 2013 at 7.20 pm.

2. The committee resolved to recommend:

(a) the provisions of the Aged Care (Living Longer Living Better) Bill 2013, the Australian Aged Care Quality Agency Bill 2013, the Australian Aged Care Quality Agency (Transitional Provisions) Bill 2013, the Aged Care (Bond Security) Amendment Bill 2013 and the Aged Care (Bond Security) Levy Amendment Bill 2013 be referred immediately to the Community Affairs Legislation Committee for inquiry and report by 17 June 2013;

(b) the Citizen Initiated Referendum Bill 2013 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 24 June 2013;

(c) the provisions of the Environment Protection and Biodiversity Conservation Amendment Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 14 May 2013;
(d) the provisions of the Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Bill 2013 be referred immediately to the Economics Legislation Committee for inquiry and report by 14 May 2013; and

(e) the provisions of the Water Efficiency Labelling and Standards (Registration Fees) Bill 2013 and the Water Efficiency Labelling and Standards Amendment (Registration Fees) Bill 2013 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 17 June 2013.

3. The committee recommends that the provisions of the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013, the Television Licence Fees Amendment Bill 2013, the News Media (Self- regulation) Bill 2013, the News Media (Self-regulation) (Consequential Amendments) Bill 2013 and the Public Interest Media Advocate Bill 2013, contingent upon their introduction in the House of Representatives, be referred to the Environment and Communications Legislation Committee for inquiry and report but was unable to reach agreement on a reporting date.

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

- Foreign Affairs Portfolio Miscellaneous Measures Bill 2013
- International Monetary Agreements Amendment Bill 2013
- Migration Amendment (Reinstatement of Temporary Protection Visas) Bill 2013 [No. 2]
- Parliamentary Service Amendment (Parliamentary Budget Officer) Bill 2013.

The committee recommends accordingly.

5. The committee considered the Broadcasting Services Amendment (Material of Local Significance) Bill 2013 and noted that the Senate had agreed to refer the bill and a related matter to the Environment and Communications Legislation Committee for inquiry and report.

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

- Financial Framework Legislation Amendment Bill (No. 2) 2013
- International Organisations (Privileges and Immunities) Amendment Bill 2013
- Not-for-profit Sector Freedom to Advocate Bill 2013
- Social Security and Other Legislation Amendment (Caring for Single Parents) Bill 2013
- Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013

Anne McEwen
Chair
14 March 2013

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of bill:
- Aged Care (Living Longer Living Better) Bill 2013
- Aged Care (Bond Security) Amendment Bill 2013
- Aged Care (Bond Security) Levy Amendment Bill 2013
- Australian Aged Care Quality Agency Bill 2013
- Australian Aged Care Quality Agency (Transitional Provision) Bill 2013

Reasons for referral/principal issues for consideration:
For detailed consideration of the provisions of the Bill including:
- Full impact on how these changes will affect providers, older Australians and their families and carers.

Possible submissions or evidence from:
- Aged and Community Services Australia (ACSA)
Thursday, 14 March 2013

SENATE

1705

CHAMBER

- Alzheimer1S Australia
- Anglicare Australia
- ANZ
- Association of Independent Retirees Limited
- Attendant Care Industry Association
- Australian & New Zealand Society for Geriatric Medicine
- Australian Association of Gerontology
- Australian College of Nursing
- Australian Healthcare and Hospital Association
- Australian Medical Association (AMA)
- Australian Medicare Local Alliance
- Australian Nursing Federation
- Australian Physiotherapy Association
- Baptist Care Australia
- BUPA
- Carers1 Australia
- Catholic Health Australia
- Consumer Health Forums
- COTA Australia
- Department of Health and Ageing
- Diversional Therapy Australia
- Domain Principle Group
- Exercise & Sports Science Australia
- Federation of Ethnic Communities' Councils of Australia
- Goldman Sachs
- Grant Thornton
- Health Services Union
- Home and Community Care (HACC) agencies
- Interested parties
- Leading Age Services Australia (LASA)
- Legacy Australia
- Lutheran Aged Care Australia
- Macular Degeneration Foundation
- National Aged Care Alliance (NACA)
- National LGBTI Health Alliance
- National Presbyterian Aged Care Network
- National Seniors Association
- National Stroke Foundation
- Occupational Therapy Australia
- Palliative Care Australia
- Pharmacy Guild of Australia
- Public Sector Residential Aged Care Leadership Committee
- Returned & Services League of Australia
- Royal Society for the Blind
- State Governments
- The Aged Care Guild
- The Salvation Army
- United Voice
- Uniting Care Australia
- Vision Australia

Committee to which bill is to be referred:
Senate Community Affairs Legislation Committee

Possible hearing date(s):
To be determined by the committee

Possible reporting date:
17 June 2013

(signed)
Senator Fifield
Whip/Selection of Bills Committee Member

APPENDIX 2

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:

Name of Bill:
Citizen's Initiated Referendum Bill 2013

Reasons for referral/principal issues for consideration:
In undertaking the inquiry, the Committee should consider:
1. Citizens' Initiated Referendum (CIR) promotes greater openness and accountability in public decision-making.

2. Laws instituted as a result of a CIR are more clearly derived from the popular expression of the people’s will.

3. Government authority flows from the people and is based upon their consent.

4. Citizens in a democracy have the responsibility to participate in the political system.

5. The Inter Parliamentary Union’s call on member states to strengthen democracy through constitutional instruments including the citizen’s right to initiate legislation.

Possible submissions or evidence from:
- Legal and Constitutional reform groups
- Citizens' rights groups
- Political parties
- Electoral reform groups
- Individual Australian citizens

Committee to which the bill is to be referred:
- Senate Standing Committee on Economics (Legislation)

Possible hearing date(s):
- April 2013
- May 2013
- June 2013

Possible reporting date:
- 24th June 2013

(sign)

Senator Bushby
Whip/Selection of Bills Committee Member

APPENDIX 3

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:
- Environment Protection and Biodiversity Conservation Amendment Bill 2013

Reasons for referral/principal issues for consideration:
- To give close scrutiny to this major change to the EPBC Act

Possible submissions or evidence from:
- Minerals Council of Australia
- Victorian Farmers Federation National Farmers Federation NSW State Government
- QLD State Government
- AGL
- Australian Coal Association
- Any Coal Seam Gas Companies

Committee to which bill is to be referred:
- Environment and Communications

Possible hearing date(s):
- 22, 27, 28 March
- 4, 5 April

Possible reporting date:
- April / May 2013

(sign)

Senator Fifield
Whip/Selection of Bills Committee Member

APPENDIX 4

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee:
- Tax Laws Amendment (Countering Tax Avoidance and Multinational Profit Shifting) Bill 2013

Reasons for referral/principal issues for consideration:
- Schedule 1
- To examine whether Part IVA amendments are appropriately targeted
- Schedule 2
- To examine:
  - De minimis threshold
  - Documentation requirements
  - ATO's power to 'reconstruct'
  - Financial impact
Possible submissions or evidence from:
ATO
Treasury
Australian Tax Institute
Impacted companies

Committee to which bill is to be referred:
Senate Economics

Possible hearing date(s):
April 2013

Possible reporting date:
May 2013

(original)
Senator Fifield
Whip/Selection of Bills Committee Member

APPENDIX 6
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013
Television Licence Fees Amendment Bill 2013
Broadcasting Legislation Amendment (Media Diversity) Bill 2013
Public Interest Media Advocate Bill 2013
News Media (Self-regulation) Bill 2013
News Media (Self-regulation) (Consequential Amendments) Bill 2013

Reasons for referral/principal issues for consideration:
Referral is proposed because of the extremely short timeframe the Government has proposed for consideration of these laws. The Government's so-called 'media reforms' are the largest shakeup of media regulation since 2006. Some of the most important elements of these measures, such as the precise criteria defining the 'public interest' which the legislation will apply to changes of media ownership, have not been publicly disclosed prior to introduction of these bills. As a result there has been no opportunity to consider any unintended consequences or conflicts with existing laws and regulations. The laws also propose the first direct government controls over material published in newspapers in peace time in Australian history. To expect the Parliament to debate and vote on such far-reaching bills without the opportunity to call witnesses, to hear evidence and to undertake the detailed, objective scrutiny only a committee process provides would be an abuse of the democratic process.

Possible submissions or evidence from:
Free to air TV broadcasters
Fairfax
News Ltd

APPENDIX 5
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
Water Efficiency Labelling and Standards (Registration Fees) Bill 2013
Water Efficiency Labelling and Standards Amendment (Registration Fees) Bill 2013

Reasons for referral/principal issues for consideration:
Examination of the proposed tax impost on the water supply industry as a means of collecting a fee.

Possible submissions or evidence from:
Water Supply Association of Australia
Australian Plumbing Association
State governments
Australian Water Association

Committee to which bill is to be referred:
Environment and Communications

Possible hearing date(s):
March/April

Possible reporting date:
April/May
ACCC
Google
Telstra
Apple
AIIA
Foxtel
Press Council
ACMA

Committee to which bill is to be referred:
Environment and Communications Committee

Possible hearing date(s):
April/May

Possible reporting date:
17th June 2013

Whip/Selection of Bills Committee Member

APPENDIX 7
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee:
Name of bill:
Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013
Broadcasting Legislation Amendment (News Media Diversity) Bill 2013
News Media (Self-regulation) Bill 2013
News Media (Self-regulation) (Consequential Amendments) Bill 2013
Public Interest Media Advocate Bill 2013
Television Licence Fees Amendment Bill 2013

Reasons for referral/principal issues for consideration:
Legislative committee to examine bills for quick report.

Possible submissions or evidence from:
Media Organisations and Interest Groups
The Department of Broadband, Communications and the Digital Economy

The Australian Communications and Media Authority
The Australian Press Council

Committee to which bill is to be referred:
Environment and Communications Legislation Committee

Possible hearing date(s):
15-19 March 2013

Possible reporting date:
9:30am 20 March 2013

Whip/Selection of Bills Committee Member

Senator McEwen:

I move:

That the report be adopted.

Senator Fifield (Victoria—Manager of Opposition Business in the Senate) (11:51):

I move an amendment to the motion to adopt Selection of Bills Committee report No. 3 of 2013 to provide for a reporting date of 17 June for the package of broadcasting and media bills at item 3 in the report:

At the end of the motion, add:

"but, in respect of the Broadcasting Legislation Amendment (Convergence Review and Other Measures) Bill 2013, the Broadcasting Legislation Amendment (News Media Diversity) Bill 2013, the Television Licence Fees Amendment Bill 2013, the News Media (Self-regulation) Bill 2013, the News Media (Self-regulation) (Consequential Amendments) Bill 2013 and the Public Interest Media Advocate Bill 2013, the Environment and Communications Legislation Committee report by 17 June 2013".

The Selection of Bills Committee process this week has told the chamber all that it really needs to know about both sides in this place. The Selection of Bills Committee referral proposal by the government states in relation to this package of bills that the reason for referral is: 'Legislative committee to examine bills for quick report.' What that says is that the government wants to have
essentially a 'tick and flick'. It is not interested at all in having serious, careful examination of the legislation, and that is confirmed by the fact that the government has proposed a reporting date of 20 March. Can I just point out that between now and 20 March is the 15th, the 16th, the 17th, the 18th, the 19th and the 20th, so there are four business days for what are far-reaching proposals to alter the media landscape in this nation.

Mr President, can I just share, in contrast, the reasons for referral that I put down, with the advice of Senator Birmingham. These are as follows. Referral is proposed because of the extremely short time frame the government has proposed for consideration of these laws. The government's so-called media reforms are the largest shake-up of media regulation since 2006. Some of the most important elements of these measures, such as the precise criteria defining the public interest which the legislation will apply to changes of media ownership, have not been publicly disclosed prior to the introduction of these bills. As a result there has been no opportunity to consider any unintended consequences or conflicts with existing laws and regulations. The laws also propose the first direct government controls over material published in newspapers in peacetime in Australian history. To expect the parliament to debate and vote on such far-reaching bills without the opportunity to call witnesses, to hear evidence and to undertake the detailed objective scrutiny only a committee process provides would be an abuse of the democratic process. They were our reasons and our rationale for referral. Compare that to the government's, which was: 'Legislative committee to examine bills for quick report'. It is a stark contrast.

As you know, Mr President, these wide-ranging reforms include a proposed new public interest test to determine future media mergers and also a government appointed Public Interest Media Advocate that will have oversight of the Press Council. Freedom of speech is one of the bedrocks of our free and democratic society. A free and independent media who can hold governments or, for that matter, oppositions to account is a key part of freedom of speech. We know that what is happening here, what is proposed here, is the current government seeking to retaliate against its critics in the media. We always predicted that this would happen and we are seeing it come to fruition. We do have concerns that a public interest test risks becoming a political interest test for the government of the day. Who knows—maybe we should trust Senator Conroy, but maybe not all future communications ministers will be as serious and sober and professional as Senator Conroy.

The coalition think it is important that the committee of this Senate has the opportunity to carefully examine the proposed winding back of centuries of press freedom. Despite not having the actual legislation when Senator Conroy announced these reforms, he has threatened that he will not negotiate on any measures and that they must be passed in full by the end of next week. This is not the way that public policy should be made in this place. We know that this government is not a big fan or defender of free speech. It is certainly not a big fan or defender of a free press, so we are not surprised that this legislation is being brought forward. Equally, we are not surprised that the government is seeking to deny this Senate and its committees the opportunity to fully and rigorously examine this legislation.

Senator BIRMINGHAM (South Australia) (11:57): As Senator Fifield has just made extremely clear, it is an outrageous abuse of process in this place for this
legislation to be rammed through the parliament, as is proposed by the government, by the end of next week and for the scrutiny of this legislation through the usual processes of a Senate committee to be curtailed in the way that is proposed. Just four business days, as Senator Fifield said, stand between now and 20 March, when the government expects the Senate committee to report on this package of bills.

Senator Conroy comes into this place and proclaims, 'There's been plenty of time for debate and everybody knows what we were proposing to do.' Well, we realised today that cabinet did not even have any written paperwork before it when it considered these matters on Tuesday, so they did not even know what was being proposed. We understand today that caucus had to have rules changed to allow for the consideration of the matters, so the Labor caucus did not even know what was being proposed.

The reality is that these bills deserve far more scrutiny than the government is proposing. Six bills were dropped this morning in the House of Representatives that have never been seen before outside of the inner workings of this government. Six bills totalling 133 pages of new regulation of Australia's media are going to be, if the government gets its way, rammed through this parliament with minimal debate in less than a week and with the scrutiny of the Senate committee for less than four working days. Accompanying the 133 pages of new legislation in these six bills are 123 pages across five explanatory memoranda.

Significant and sweeping changes to Australia's laws and to the governance of our media are being undertaken for the first time in Australia's peacetime history. It will be an outrage if the government gets its way on these reforms. It will be an outrage if this Senate allows the government to get its way on curtailling the consideration of these reforms. It is critically important that the minister's assertions that these in no way impede freedom of the media be tested, and tested properly. It is critically important that the minister's assertions that these in no way change existing self-regulatory standards be tested, and tested properly. It is critically important that the stakeholders in the media sector and those who care about matters of free speech, and, indeed, those who have concerns about the operation of the media in Australia, all have their chance to properly have their say. If the Selection of Bills Committee report is adopted in its current form today, with a 20 March reporting date for these significant reforms, then stakeholders will have virtually no chance to properly assess these matters or properly have their say as to the impact or adequacy, depending on your perspective in this debate. Stakeholders will be given perhaps just a day to put in any written submissions. There will be just a few hours, perhaps, of hearings, with witnesses given, if they are lucky, a few hours or a day or two's notice to appear. There will be minimal time for anybody—senators or those outside this place—to seriously scrutinise what is proposed here, and we should not forget that what is proposed here is government incursion into the operation of the newspaper industry for the first time in Australia's peacetime history.

These are very significant reforms. I know there are those on the crossbenches who believe they are inadequate. They deserve the chance to have their views heard as well, and to scrutinise these reforms around their arguments, just as much as those of us on this side of the chamber should have the chance to go through the detail of whether or not these reforms do, in fact, pose the threat to the freedom of the media and speech that many of us are so concerned by.
I urge the Senate to support Senator Fifield’s amendment to the motion on these reports and to ensure that we actually get the scrutiny of these media reforms that they deserve, rather than the curtailed debate that the government wants to enforce.

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

Question agreed to.

Original question, as amended, agreed to.

BUSINESS

Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:02): I move:

That:
(a) the following government business orders of the day be considered from 12.45 pm today:
   No. 5 Customs Amendment (Anti-Dumping Commission) Bill 2013
   No. 6 Customs Amendment (Miscellaneous Measures) Bill 2013
   No. 7 Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013; and
(b) government business be called on after consideration of the bills listed in paragraph (a) and considered till not later than 2 pm today.

Question agreed to.

Rearrangement

Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:03): I move:

That the following general business orders of the day be considered on Thursday, 21 March 2013 under the temporary order relating to the consideration of private senators’ bills:
No. 102 Fair Work (Registered Organisations) Amendment (Towards Transparency) Bill 2012.
No. 111 Migration Amendment (Reinstatement of Temporary Protection Visas) Bill 2013 [No. 2].

Question agreed to.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Meeting

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:04): by leave—I, and at the request of the chair of the Rural and Regional Affairs and Transport References Committee, Senator Heffernan, move:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold an in camera hearing during the sitting of the Senate on Monday, 18 March 2013, from 4 pm.

Question agreed to.

Environment and Communications Legislation Committee

Meeting

Senator McEWEN (South Australia—Government Whip in the Senate) (12:04): by leave—I, and at the request of the chair of the Environment and Communications
Legislation Committee, Senator Cameron, move:

That the Environment and Communications Legislation Committee be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate today.

Question agreed to.

Rural and Regional Affairs and Transport References Committee Reporting Date

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:05): I, and at the request of the chair of the Rural and Regional Affairs and Transport References Committee, Senator Heffernan, I move:

That the time for the presentation of reports of the Rural and Regional Affairs and Transport References Committee be extended as follows:

(a) aviation accident investigation—to 30 April 2013;
(b) fresh pineapple imports—to 24 June 2013;
(c) New Zealand potatoes import risk analysis—24 June 2013; and
(d) fresh ginger import risk analysis—to 24 June 2013.

Question agreed to.

MOTIONS

Goulburn Sesquicentenary

Senator McEWEN (South Australia—Government Whip in the Senate) (12:06): At the request of Senator Stephens, I move:

That the Senate—

(a) notes:

(i) that Royal Letters Patent issued by Queen Victoria on 14 March 1863 established the Anglican Diocese of Goulburn, giving Goulburn city status and making it Australia’s first inland city,

(ii) that 14 March 2013 is the 150th anniversary of the declaration of Goulburn as a city,

(iii) St Saviour's Anglican Cathedral, designed by Edmund Thomas Blacket, was completed in 1884, and the Catholic Cathedral of Sts Peter and Paul's in 1890, and

(iv) Goulburn's rich heritage since its settlement in the 1820s;
(b) recognises the contribution of Goulburn's institutions to the expansion and economic development of southern New South Wales since the 1820s; and
(c) congratulates Goulburn and its citizens on its sesquicentenary.

Question agreed to.

Fiji: Human Rights

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:06): I move:

That the Senate—

(a) condemns the apparent torture and inhumane and degrading treatment of detainees in Fiji, as recently reported in an online video; and
(b) calls on the interim Fiji Government to:

(i) publicly condemn the use of torture and uphold international conventions protecting civil and political rights, and

(ii) establish an independent and transparent investigation into the events.

Question agreed to.

Renewable Energy Certificates

Senator MADIGAN (Victoria) (12:07): I move:

That the Senate—

(a) notes that:

(i) the Assistant Director of Regional Projects for the Department of Planning and Community Development in Victoria has confirmed that the Waubra Wind Farm, which has been under review since it commenced in 2009, has not been signed off on any noise compliance by the Planning Minister, Mr Matthew Guy, therefore making it non-compliant,

(ii) to obtain accreditation from the Clean Energy Regulator, the Waubra Wind Farm must provide evidence that it is compliant with all state permit requirements, and
(iii) as a result of having been granted Clean Energy Regulator accreditation of its Waubra Wind Farm, Acciona has received tens of millions of dollars in Renewable Energy Certificates (REC); and

(b) calls on the Government to:

(i) order a review of the accreditation process, and a review of the accreditation of all other wind farms that have been accredited under the same regulations as the Waubra Wind Farm, and

(ii) order an investigation of how many REC have been raised by non-compliant power stations and traded into REC markets as well as the extent to which REC markets and REC market prices may have been distorted by this activity.

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

The PRESIDENT: Leave is granted for one minute.

Senator MADIGAN: Since 2009, Acciona's Waubra wind farm in Victoria has been operating as a Clean Energy Regulator accredited energy supplier, allowing it to receive tens of millions of dollars in renewable energy certificates. But to be accredited you must prove that you are compliant and to be compliant you must supply a certificate of compliance from the relevant state authority. In Victoria, that authority is the Department of Planning and Community Development. That department has advised my office that the Waubra wind farm has not been signed off by the minister on any noise compliance, despite operating for 3½ years. As Acciona has no certificate of compliance it cannot be compliant, cannot qualify for accreditation by the CER and cannot qualify to receive tens of millions of dollars of RECs that it has received to date.

If this is the standard of the accreditation process where energy providers can gain access to billions of dollars of RECs without having to prove compliance then nothing short of a review of the entire accreditation process and investigation into the ease with which these RECs are distributed will satisfy the Australian public.

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

The Senate divided. [12:13]

The President—Senator Hogg

Ayes ..................... 33
Noes ..................... 36
Majority................. 3

AYES

Back, CJ
Birmingham, SJ
Boyce, SK
Bushby, DC
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Payne, MA
Ruston, A
Scullion, NG
Smith, D
Xenophon, N

Bernardi, C
Boswell, RLD
Brandis, GH
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Ronaldson, M
Ryan, SM
Sinodinos, A
Williams, JR

NOES

Bilyk, CL
Brown, CL
Carr, KJ
Crossin, P
Evans, C
Feeney, D
Gallacher, AM
Hogg, JJ
Ludwig, JW
Marshall, GM
McLucas, J
Moore, CM
Pratt, LC
Siewert, R
Sterle, G
Thorp, LE
Waters, LJ
Wong, P

Bishop, TM
Cameron, DN
Collins, JMA
Di Natale, R
Farrell, D
Furner, ML
Hanson-Young, SC
Ludlam, S
Lundy, KA
McEwen, A (teller)
Milne, C
Polley, H
Rhiannon, L
Singh, LM
Thistlethwaite, M
Ureghart, AE
Whish-Wilson, PS
Wright, PL
International Development Assistance

Senator RHIANNON (New South Wales) (12:16): I seek leave to amend general business notice of motion No. 1177 standing in my name relating to the importance of the overseas budget and the need for the government and the coalition to publicly reaffirm their commitment to the UN endorsed target of 0.7 per cent.

Leave granted.

Senator RHIANNON: I move the amended motion in the terms as circulated in the chamber:

That the Senate—

(a) notes that:

(i) the United Nations (UN) endorsed target to meet the Millennium Development Goals is for developed nations to devote 0.7 per cent of gross national income (GNI) to foreign aid by 2015, yet Australia currently contributes a mere 0.35 per cent,

(ii) both the Australian Labor Party and the Coalition went to the 2010 election with a commitment to increase aid to 0.5 per cent of GNI by 2015,

(iii) in the 2012-13 Budget, the Government pushed back by a year its commitment to increase aid to 0.5 per cent and the Coalition removed its timetable altogether, and

(iv) since the 2012-13 Budget the Government has directed $375 million from the aid budget to pay for the onshore costs of detaining refugees, and the Australian Defence Force has had to reclassify almost $190 million claimed to be overseas development aid as military spending; and

(b) calls on:

(i) the Minister for Foreign Affairs (Senator Bob Carr) to ensure that the overseas aid budget does not suffer further cuts in the May 2013-14 Budget, and

(ii) the Government and Coalition to publicly reaffirm their commitment to the UN endorsed target of 0.7 per cent and to release their timetable for reaching the target.

Question put.

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

The Senate divided. [12:17]

(The President—Senator Hogg)

Ayes ................. 10
Noes .................. 46
Majority .............. 36

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

NOES
Back, CJ
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Boswell, RLD
Boyce, SK
Brown, CL
Cameron, DN
Carr, KJ
Cash, MC
Colbeck, R
Crossin, P
Edwards, S
Eggleston, A
Evans, C
Farrell, D
Fawcett, DJ
Feeney, D
Fifield, MP
Furner, ML
Gallacher, AM
Hogg, JJ
Humphries, G
Kroger, H (teller)
Ludwig, JW
Madigan, JJ
Marshall, GM
Mason, B
McEwen, A
McKenzie, B
McLucas, J
Moore, CM
Polley, H
Pratt, LC
Randalson, M
Ruston, A
Ryan, SM
Scullion, NG
Singh, LM
Smith, D
Sterle, G
Thistlethwaite, M
Thor, LE
Urquhart, AE
Williams, JR

Question negatived.
Parenting Payments

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:21): I move:

That the Senate—

(a) acknowledges the financial hardship that single parent families who were moved from Parenting Payment to Newstart on 1 January 2013 have experienced; and

(b) calls on the Government to reverse Schedule 1 of the Social Security Legislation Amendment (Fair Incentives to Work) Act 2012.

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

The Senate divided. [12:22]

The Senate divided. [12:22]

(The President—Senator Hogg)

Ayes ......................11
Noes ......................41
Majority ................30

AYES

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

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Boyce, SK
Carr, KJ
Colbeck, R
Crossin, P
Evans, C
Fawcett, DJ
Fifield, MP
Gallacher, AM
Humphries, G
Ludwig, JW
McEwen, A
McLucas, J
Polley, H
Ruston, A
Scullion, NG
Smith, D

Education Funding

Senator WRIGHT (South Australia) (12:24): I move:

That the Senate—

(a) recognises that:

(i) improving teacher quality is one of the various important components to raising education standards in Australian schools,

(ii) measures to ensure trainee teachers have the necessary skills and aptitude are fitting but should be complemented with other incentives to attract candidates to the profession,

(iii) school teachers must be appropriately remunerated and supported in the challenging functions they perform, through fair wages, suitable career structures, ongoing professional development and adequate time for out-of-classroom preparation, and

(iv) adequately resourcing government schools creates optimal conditions for raising education standards; and

(b) calls on the Government to:

(i) include measures which will enhance morale, professional development and job satisfaction among teachers, to complement teacher training, and

(ii) address the under-resourcing of government schools by implementing the Gonski recommendations without delay.

The Senate divided.[12:26]

(The President—Senator Hogg)

Ayes ......................9
Noes ......................38
Majority ................29

AYES

Di Natale, R
Ludlam, S
Rhiannon, L
Whish-Wilson, PS

NOES

Thistlethwaite, M
Urquhart, AE
Williams, JR

Question negatived.
AYES

Wright, PL

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Cameron, DN
Cash, MC
Collins, JMA
Eggleston, A
Farrell, D
Feeney, D
Furner, ML
Hogg, JJ
Ludwig, JW
Marshall, GM
McKenzie, B
Moore, CM
Pratt, LC
Ryan, SM
Smith, D
Thistlethwaite, M

Bernardi, C
Birmingham, SJ
Boyce, SK
Carr, KJ
Colbeck, R
Crossin, P
Evans, C
Fawcett, DJ
Fifield, MP
Gallacher, AM
Kroger, H
Madigan, JJ
McEwen, A (teller)
McLucas, J
Polley, H
Ruston, A
Singh, LM
Sterle, G
Urquhart, AE

Question negatived.

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

The PRESIDENT: Leave is granted for one minute.

Senator WRIGHT: I am very disappointed that the Labor Party and the coalition have not been willing to support this Australian Greens motion. Raising education standards in Australia is crucial. It is crucial that we raise standards so that every Australian child can have access to a world-class education. No matter who they are, no matter where they live and whatever their background, it is crucial.

Opposition senators interjecting—

The PRESIDENT: Senator Wright, just wait a minute. Resume your seat. On my left, I need silence. Senator Wright.

Senator WRIGHT: There are many components to raising educational standards and having quality candidates is very important. We do need to attract the best to teaching and we need to keep them there once they are in the workforce. But it is not just a matter of increasing scores for university. We actually need to create a demand for teaching, and we do this by truly valuing teaching and treating it as a profession, with fair wages comparable to other professions, suitable career structures and ongoing professional development and support. We know from the Gonski review that our current system is that particularly government schools have concentrations of disadvantage, and these educate the majority of students with higher needs. It is for this reason that we need to prioritise the payment of that additional investment in government schools.

Coal Seam Gas

Senator WATERS (Queensland) (12:30): I move:

(a) notes that:
(i) no coal seam gas projects or coal mines have been assessed under Australia's national environment laws for their impacts on the climate or water resources, and
(ii) there is huge concern about the impacts of coal seam gas and coal mines in the Australian community, particularly within farming communities that depend on scarce water resources;

(b) calls on the Government to retrospectively apply its proposed water trigger and re-assess all projects approved under the Minister for Sustainability, Environment, Water, Population and Communities (Mr Burke).

I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator WATERS: My motion calls on government to retrospectively apply its proposed water trigger to coal seam gas...
projects and coalmines that Minister Burke has already approved. This is important because the big three New South Wales approvals just made one month ago—Gloucester coal seam gas and Maules Creek and Boggabri coalmines—have not started yet, so it is not too late for their approvals to be revoked and for the water impacts of these massive projects to be properly assessed. For the three big Queensland coal seam gas projects approved by the minister more than two years ago, it is obviously too late to revoke those approvals because work has already started, but what is needed is for the water impacts of those projects to be assessed and publicly reported. The government and decision makers can then use that information about water impacts when they make future decisions about further coal seam gas development or about water management, water allocation and, of course, the management of the Murray-Darling. So I urge senators to support the motion.

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

The Senate divided. [12:32]

(The President—Senator Hogg)

Ayes.......................10
Noes.......................30
Majority..................20

**AYES**

- D'Alban, R
- Ludlam, S
- Milne, C
- Siewert, R (teller)
- Whish-Wilson, PS

**NOES**

- Mensink, R (teller)
- Milne, C
- Siewert, R
- Whish-Wilson, PS

**Question negatived.**

**BILLS**

**Export Finance and Insurance Corporation Amendment (Finance) Bill 2013**

**First Reading**

Bill received from the House of Representatives.

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:35): I move:

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

Question agreed to.

Bill read a first time.

**Second Reading**

**Senator FEENEY** (Victoria—Parliamentary Secretary for Defence) (12:35): I move:

That this bill be now read a second time.

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

Leave granted.

*The speech read as follows—*

The Export Finance and Insurance Corporation Amendment (Finance) Bill 2013 will amend the financial arrangements of the Export Finance and Insurance Corporation (EFIC) to provide for the payment of special dividends and any adjustments to EFIC’s callable capital that may be necessary in the future.
The bill will implement a 2012 Budget Measure and follows recommendations and findings of the 2012 Productivity Commission Inquiry Report into EFIC’s operations. The Productivity Commission found that where EFIC retains capital above its minimum requirements this surplus capital has an opportunity cost that is borne by the taxpayer. It recommended that the Export Finance and Insurance Corporation Act 1991 be amended to allow the Minister to direct EFIC to return surplus capital to the Government.

The bill also provides a mechanism to adjust EFIC’s callable capital through a legislative instrument should the Minister, in consultation with the Prime Minister, Treasurer and Finance Minister, consider this necessary in order for EFIC to meet its future prudential requirements.

The Government’s broader response to the Productivity Commission’s report was announced in late January and further legislation will be introduced to give effect to EFIC’s new mandate later this year. EFIC’s new mandate will greatly benefit Australia’s small and medium sized businesses, ensuring they get the support they need to compete in this the Asian Century.

In conclusion, this bill will provide greater flexibility in EFIC’s financial arrangements and will help support EFIC’s continued sound operation.

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

Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2013

First Reading

Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:36): I move:

That this bill may proceed without formalities and be now read a first time.
the AEC to deliver the most inclusive electoral roll.

The JSCEM Report makes it clear that there were an estimated 15.7 million Australians eligible to be enrolled but only 14.2 million on the Roll. Consequently, the majority of the Committee agreed with the recommendation that the AEC should have access to information from credible Government sources, such as the ATO, to update and maintain the electoral roll.

There are also other small administrative amendments made in the bill. These amendments deal with when pre-poll voting can commence, when postal vote applications can be received, and removing the requirement that a person who is seeking to use pre-poll voting for an ordinary vote should complete a certificate before they do so.

One of the methods of voting is to vote pre-poll. There are currently two times set out in the Electoral Act when applications for a pre-poll vote can be made. These amendments clarify and establish one time at which pre-poll voting will be available: the fourth day after nominations are declared. For a minimum election timetable nominations are declared on a Friday, making the fourth day afterwards the succeeding Tuesday.

Depending on the type of election, whether it is for the House of Representatives or the Senate or both, the Act provides different days for the commencement of pre-poll voting and very minimal times are provided for the AEC to print and distribute ballot materials to early voting centres across Australia in time for polling to commence. This is a sensible small amendment which provides a consistent timeframe for when pre-poll voting can commence.

There is also currently a requirement that a voter complete a written declaration in order to vote by pre-poll as an ordinary voter. This requirement is not consistent with other forms of ordinary voting which only require a verbal declaration, does not serve a useful purpose and will be omitted by this bill.

One of the matters considered by the JSCEM concerned incidents that occurred in connection with the 2010 Election, where some ballot boxes were opened before they were lawfully authorised to be opened. Since that incident, extra training and support materials will be applied and it is less likely to happen again. However, although this may be an excess of caution, the bill contains provisions which expressly clarify the action to be taken with respect to ballots that are contained in prematurely opened boxes.

The Australian Electoral Officer for the State or Territory will be responsible for examining the ballots or envelopes containing ballots drawn from ballot boxes which have been opened prematurely. Some ballots may be saved and be included in the count and some may be excluded. Ballot papers and envelopes containing ballot papers will not be excluded from scrutiny unless the ballot paper or envelope has been fraudulently altered or otherwise interfered with so as not to reflect the voter’s intention.

Postal voting is increasingly popular. At the 2010 election the Electoral Commission processed over 1,000,000 postal vote applications, which was a 17.8 per cent increase in the number processed at the 2007 election.

Under the existing provisions postal vote applications can be received up to 6 pm on the Thursday that is two days before polling day. Voters are required to cast their vote before the close of polling on Saturday. The limited time between the closing time for applications and Election Day make it highly unlikely that applicants will receive their postal ballot papers in time to cast their vote before the polls close.

This amendment brings the cut-off forward by one day to 6:00pm on the Wednesday three days before polling day. This change is to improve the chance that the AEC can deliver postal voting papers to an elector before the close of the poll.

Finally, there is a small amendment being made to the rules relating to How to Vote Cards. The rules that set out a specific requirement relating to the minimum font size for the authorisation details are being omitted from the Electoral Act. This implements Recommendation 23 of the 2010 JSCEM Report.
Of course there are equivalent amendments made to the Referendum (Machinery Provisions) Act 1984.

The bill also provides for further fixed periods of time to be provided for the augmented Electoral Commission, to allow it to complete its inquiries into objections against proposed redistributions of electoral boundaries.

All of the measures in the bill are designed to assist in ensuring that Australia can continue to have a robust and up-to-date electoral system and administration. The recommendations made by the JSCEM in the majority report are both sensible and politically neutral. The Government is committed to ensuring their implementation.

I commend the bill to the Senate.

Debate adjourned.

**LEGISLATION COMMITTEES**

**Report**

**Senator CAROL BROWN** (Tasmania—Deputy Government Whip in the Senate) (12:38): Pursuant to order and at the request of the chairs of the respective committees, I present reports on the examination of annual reports tabled by 31 October 2012.

Ordered that the reports be printed.

**Senator RYAN** (Victoria) (12:39): by leave—I move:

That the Senate take note of the report of the Finance and Public Administration Committee.

I rise to speak briefly on the Senate Finance and Public Administration Legislation Committee's Annual reports (No. 1 of 2013). For those unaware, the Finance and Public Administration Legislation Committee has responsibility for the oversight of the Department of Parliamentary Services, the Prime Minister and Cabinet portfolio and the Finance and Deregulation portfolio. This report in question examines the annual reports of the departments and agencies within the committee's remit.

I understand it is long-held practice that the committee is not obliged to report on acts, statements of corporate intent, surveys, policy papers, budget documents, corporate plans or errata. But it is important that these are noted and it is worth considering whether they should be included at future times. There are two documents in particular that I wish to refer to. The first one is the Department of Finance and Deregulation's 2011-12 report Campaign advertising by Australian government departments and agencies and the second is the Mid-Year Economic and Fiscal Outlook 2012-13 statement by the Treasurer and Minister for Finance and Deregulation.

Firstly, on the advertising report, government spending should always be
examined to ensure not only that taxpayers' funds are spent appropriately but also that due process is followed to determine whether the advertising campaigns are honest and fair representations of the facts. On these grounds, this government fails yet again. This specific report on agency advertising expenditure shows that, for example, the Department of Families, Housing, Community Services and Indigenous Affairs spent $1 million on a campaign and consultation that resulted in editing a single line from the federal government's carbon tax compensation campaign. That $1 million edit, running at a couple of hundred thousand dollars per word, basically changed a voice-over line from 'to see if you are eligible' to 'for more information', all because the earlier line—'to see if you are eligible'—implied that some people were not eligible and would not receive compensation, as alleged by the government. The government was so sensitive that its electoral bribe would not be recognised that it had to remove the word 'eligible' because it told people about the truth of this campaign, that the great majority of Australians were going to be profoundly worse off in cash terms after the program came into effect.

But it does not stop with the carbon tax compensation ads. Just days after the Commonwealth backflipped on its funding cuts to Victorian hospitals a series of advertisements appeared in the Saturday and Sunday newspapers across Melbourne and Victoria. Unlike the carbon tax ads, which merely stretched the truth and avoided words that might tell the complete truth, these hospital funding ads told absolute untruths. One line in the advertisements stated, 'This will reverse the cuts made by the Victorian government.' As we heard at the Senate committee—and that report was tabled last week and will be debated this afternoon—the Commonwealth government's own officials admitted that these were cuts imposed by the government. It was the Commonwealth government's cuts that they were reinstating. In yet another example of the Labor Party's allergy to the truth, they had to somehow assert that it was someone other than them. They tried to allege, with spending taxpayers' money, that it was the Victorian government that cut funding to Victorian hospitals rather than the Commonwealth.

On reinstating the funding, the Minister for Health in the other place said, 'This is money that would have been paid to their Treasury'—referring to the Victorian Treasury, admitting herself that this was money cut by the Commonwealth government. They were Commonwealth cuts that were being reinstated. To be truthful, the advertisement should have read, 'This will reverse cuts made by the Commonwealth government, the federal government or the Labor government.' But this government's allergy to the truth would not allow them to say that. This particular example amongst many others shows why we should consider whether these reports are examined in more detail in the future.

I briefly turn to the MYEFO statement released in October 2012. We know this is a crucial document. It allegedly provides parliament with a mid-year update on the government's fiscal and economic position, but we know that was not the case this year. We had the MYEFO update in October, yet only weeks later the Treasurer said that it was completely out of date and the long-promised surplus, which we always knew was farcical and mythical, that the Treasurer had promised for this year was not to be. On a level of achieving its most basic objective, not only is the MYEFO out of date but also the most recent update that this government provided to the public of Australia has been shown by admission by the Treasurer to be completely and utterly inadequate.
These are just two documents that I have had the chance to look at and I think in future we will be considering them in more detail.

Question agreed to.

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! It being 12:45 pm, I call on government business orders of the day.

BILLS

Customs Amendment (Anti-Dumping Commission) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator COLBECK (Tasmania) (12:44):

At the outset I indicate that the coalition will be supporting this Customs Amendment (Anti-Dumping Commission) Bill 2013. But there are a couple points to make along the way in relation to how this broader process has been managed by the government.

I think this must be the fourth piece of legislation that we have passed to deal with the issue of antidumping in the last couple of years and it shows quite clearly how the government has been playing catch-up with the opposition in its approach to this particular area of the portfolio. More interestingly—after the quite hysterical response of the government when the opposition released its comprehensive policy—it indicates how some of the suggestions by the opposition are actually now being implemented by the government.

So this particular piece of legislation puts into place a new organisation called the Australian Anti-Dumping Commission, specifically to deal with issues of antidumping. I think we all accept that the system has not been as efficient as it could have been. The opposition acknowledges the changes that have previously been made by the government to the scheme to try and make it more efficient, but there are some fairly glaring recent examples of where there have been decisions made in favour of Australian business that have been overturned by the government, and decisions which come on the end of significant expense to industry in Australia in putting together an antidumping case.

For example, in 2009 Kimberly-Clark spent $100,000 in relation to the importation of cheap toilet paper being dumped into the market. It was unsuccessful and the end result of that, of course, is that, quite sadly, Kimberly-Clark shut down two of its paper machines at the Millicent tissue mill at the expense of 170 of its workers.

SPC Ardmona spent $300,000 in two years fighting for an investigation into the importation of tinned Italian tomatoes, and finally SPC just gave up. I think we all know the sad result of that case and particularly of the issues around tomatoes, where even though our farmers are 50 per cent more efficient in respect of the yields they are achieving on their farms we still cannot compete in the market for those particular products that are coming in at a cost of as little as 25 cents per can.

Of course, we have just recently heard about issues in the glass sector, where CSR Viridian glass spent over $300,000 pursuing investigations in relation to goods from Indonesia and China coming in at a cost 25 per cent lower than the value in the Chinese market. We are now seeing redundancies in that industry as well.

So when we suggested that there should be transfer of the antidumping responsibilities from their existing home in the International Trade Remedies Branch in Customs to the department of industry, the
then home affairs minister, Brendan O'Connor, said:
Moving responsibility for anti-dumping decisions from Customs to another department is just bureaucratic reshuffling and will take away the responsibility for making decisions from the staff who actually monitor what is being imported into Australia.
And yet here we are with a piece of legislation supporting the proposal that we put into place, setting up the Australian Anti-Dumping Commission.
One thing we do not know is how the $24.4 million antidumping funding will be used or, more importantly, where the money is going to come from. That has not yet been explained. We have seen claims of additional funding being put into elements of Customs only to find that it was a reshuffling within the budget and the additional funds that were going to that area of Customs were coming at the expense of another part of Customs. I think there are some legitimate questions that we can continue to ask the government in relation to this matter, particularly where the funding is coming from.
While the coalition obviously welcome this because it does reflect our policy and it does continue to catch up with the policy that the coalition released some considerable time ago—in fact, in November 2011—there are questions that remain around this matter, not least the source of the funding, how it will be managed and how that might impact on other areas of the Customs portfolio. I indicate, as I said at the outset, that the coalition gives its support to the Customs Amendment (Anti-Dumping Commission) Bill 2013. I commend the bill to the Senate.
Question agreed to.
Bill read a second time.
Third Reading
The ACTING DEPUTY PRESIDENT (Senator Marshall) (12:52): No amendments to the bill have been circulated. Before I call the minister to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the minister.
Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (12:52): I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.
Customs Amendment (Miscellaneous Measures) Bill 2012
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (12:52): The Customs Amendment (Miscellaneous Measures) Bill 2012 makes a number of amendments to the Customs Act relating to the importation of restricted goods, Customs controlled areas and cargo reporting, among other measures. The purpose of the bill is to amend the Customs Act to introduce a new offence for the bringing into Australia a new category of goods known as restricted goods. Restricted goods will be prescribed by regulation. Initially this new category will be limited to child pornography and child abuse material. In future the category could be extended to give effect to international agreements or to address matters of international concern. The
new offence does not apply if the person brings goods into Australia in accordance with the written permission given by the minister and the material is being used for law enforcement purposes. This power may be invoked, for example, to permit a controlled delivery by a law enforcement agency.

The bill will also make a number of technical amendments. It clarifies that self-powered ships and aircraft that are imported or intended to be imported are subject to the control of Customs. This clarification does not affect any existing rights but makes the relevant section clearer for duty payable purposes. The bill will amend a number of valuation definitions to ensure consistency with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 from the World Trade Organization's Customs Valuation Agreement.

The bill will enable officers of Customs to designate a Customs controlled area for both passengers and crew and the CEO to designate a seaport as a Customs controlled area. The bill also allows the CEO of Customs to request further information from an applicant prior to the granting of a warehouse licence. The bill makes further amendments to repeal the legislation which introduced the Accredited Client program. This program was proposed in 2001 but never went ahead due to technology improvements and policy changes. It will repeal the moratorium period for cargo reporting to provide a transition period to move from documentary cargo reporting to electronic cargo reporting—which expired in October 2007—and makes other minor technical amendments to correct an incorrect reference and repeal a redundant definition.

The Labor Party has taken an axe to the Customs budget over the term of the Rudd and Gillard governments, including slashing 750 Customs jobs. This has significantly weakened the agency and left it open to penetration by criminal syndicates. While there have been funding and staff cuts across the board, two areas of mainstream Customs that have been hard hit are the cargo inspection program and passenger facilitation. One of the unfortunate consequences of the continuing weakening of our borders is the decline in air and sea cargo inspections. Labor cut funding for cargo inspections by $58.1 million in the 2008-9 budget and Customs has not recovered since. Under the Howard government, 60 per cent of air cargo consignments were inspected before they were allowed across our borders. Under Labor, less than 10 per cent of air cargo and less than five per cent of sea cargo is inspected when it enters Australia's borders. This gives criminals a much better chance of successfully smuggling weapons, drugs and other contraband into our community and onto our streets. With the volume of incoming cargo being projected to increase in the coming years, even less cargo will be inspected at our borders, meaning more dangerous goods will slip through and into the hands of organised criminal syndicates if the Labor cuts are not restored.

This was evident in March 2012, when 220 Glock pistols smuggled across our borders were detected not by Customs but by the New South Wales Police Force. The Premier, Mr Barry O'Farrell, said at the time that the New South Wales Police Force had embarrassed Customs and exposed the gaping holes in Customs front-line services as a result of cuts made by the Commonwealth government. Mr O'Farrell said that the reason the guns were being imported into the community was that:
…we have a federal government that seems to look the other way with the illegal importation of guns into this country.

At a time when gun violence is escalating throughout the community, the Gillard government continues to slash funding and personnel from the very agency that is tasked with protecting Australia's borders and keeping guns out. If an agency is not properly funded and staffed, it will be left vulnerable to penetration by criminal syndicates, as we have seen in the recent revelations of extensive corruption within Customs itself. These failures are just another reason why Australians have rightly concluded that the Labor Party cannot be trusted to protect our borders. If you cannot trust Labor to stop the boats then it is no surprise that you cannot trust them to stop the guns either.

Let me turn to the issue of passenger facilitation. Despite Customs being slugged with staff and budgetary cuts, the government has decided to put even more pressure on passenger processing. In the 2011-12 budget, the Gillard government hit Customs with a $34 million cut to its passenger facilitation program, and last year it axed a further $10.4 million from the program at a time when passenger numbers were expected to increase from approximately 32 million to 38 million in just four years. The $34 million hit Customs took has already had the effect of a reduction of 70 staff positions across primary Customs lines at Australia's eight international airports in the past financial year. This further funding cut will only serve to make waiting times worse. Airports are already short staffed and they need more Customs officers. The Australian Airports Association wrote in their Customs and Border Protection discussion paper in 2011 that the effect of Labor's cuts has been:

An increase of up to 24 minutes extra at Sydney, Brisbane, Melbourne and Perth at peak periods for inbound processing.

Estimates by Customs show that international visitors to Australia will increase by more than 150 per cent and international departures will increase by more than 500 per cent over the next two decades. Customs staff numbers and resources have not increased in line with passenger numbers; they have in fact fallen. The demands upon Customs have increased while the funding to Customs has been reduced. This is only putting further pressure on Customs and is causing frustration to the travelling public. It is unfortunate that the hardworking women and men of Customs have a minister who is more than happy to put Australia's premier border protection agency up on the chopping block at budget time.

The Customs service will struggle to do its mainstream duties effectively while it is forced to deal with Labor's border protection crisis in our northern waters. Despite this, I commend the officers' efforts to do the best they can with the resources the government has left to them, and for reasons I indicated earlier in these remarks—notwithstanding the entire lack of confidence the opposition has in the government's management of Customs—I indicate that the opposition will support these amendments.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:01): Can I thank—

Senator Brandis: It's Tweedledum and Tweedledee!

Senator FEENEY: After that speech I would have expected a little bit of charity from you, Senator Brandis.

Senator Brandis: It is the nicest thing I have said to you all week!
Senator FEENEY: That is probably true. Notwithstanding those vicious, partisan, hurtful comments, I thank the opposition for their comments and their support for the legislation. I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

Third Reading

The DEPUTY PRESIDENT (13:01): No amendments to the bill have been circulated. Before I call the parliamentary secretary to move the third reading, does any senator wish to have a committee stage on the bill to ask further questions or clarify further issues? If not, I call the parliamentary secretary.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (13:01): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator BIRMINGHAM (South Australia) (13:02): I rise to speak on behalf of the coalition regarding our support for the Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013. This, of course, is a very simple bill that repeals the Koongarra Project Area Act 1981.

The history of this bill is that, in previous decades and at the time of creation of the Kakadu National Park, there were at least three areas within the Kakadu region that were considered as possibilities for mining and exploration. These were the Ranger Uranium Mine site, the Coronation Hill site and the Koongarra area. Though I have not been there, I understand Koongarra is a significant area of native woodland and is of particular environmental and cultural significance. It is located within the boundaries of the Kakadu National Park but—as a result of the Koongarra Project Area Act—has not technically been a part of the national park with the same protections. I am sure Senator Crossin will say a little bit more about the geography of the area.

The Koongarra Project area comprises, I understand, 1,288 hectares of land. This legislation will see it incorporated into the Kakadu National Park, and this is done in accordance with the wishes of the traditional owners of the land. Over the years there have been numerous applications for mineral leases relating to the Koongarra area; however, none of these applications has been granted. It is against that background that the coalition's policy position since 2005 has been that any considerations in the development and approach to Koongarra should be guarded by the views of the traditional owners, and this view has been very strongly supported by my senate colleague Senator Scullion as well as the Member for Solomon, Natasha Griggs.

The traditional owners have made it abundantly clear that they do not envisage the Koongarra area ever being mined, and that now they seek for it to be returned from its status as an island that was exempted for potential development within the national park and incorporated into the remainder of Kakadu National Park. The coalition respects those wishes, respects the decision to do so, welcomes it and supports it. We are pleased that industry has also supported this decision through the Minerals Council and we are pleased that our local members in those areas have been able to be party to the consultation and the process.
We do know there have been concerns raised regarding the Territory government and some of the processes that have been applied through this, however, under their belief that there was already adequate protection. Nonetheless, we think that this is appropriate legislation to support; it is the consistent and longstanding position of the coalition in this regard, it gives voice to the present position of local Indigenous people and it will happily see the completion of Kakadu National Park with the incorporation of the Koongarra area, and therefore an extension of one of Australia's most brilliant and spectacular national parks—one of which we should all be proud and which we should welcome. So the coalition supports this bill without reservation, and with enthusiasm.

Senator LUDLAM (Western Australia) (13:06): This is probably not going to come as a surprise to any: the Greens also welcome the Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013 into the Senate. I am also delighted to catch the tail end of Senator Birmingham's contribution, given the controversy attached to uranium mining in Kakadu in the past.

When he came to Canberra a few weeks ago to witness this bill being introduced into the other place, Djok senior traditional owner Jeffrey Lee, AM, said:

Money comes and goes, but the land is always here. It always stays if we look after it and it will look after us.

While the government and opposition are stubbornly ignorant of the profound wisdom of this sentiment most of the time and often ignore the wishes of Aboriginal people, in this bill they have honoured the wishes of the traditional owners of this country and their understanding of sustainability and sacredness.

It is very difficult to comprehend the pressure that Jeffrey Lee withstood so that we could get to this point, but I do want to pay honour to this fine and courageous man. It was my pleasure to meet him, and I hope a number of senators got to spend time with him while he was here in Canberra. He stood up to some of the most powerful interests and companies on earth and won. AREVA, the largest nuclear energy company in the world, owned that lease in Kakadu. It is, effectively, the French state-owned nuclear industry. AREVA's largest shareholder is the French government, famous in this region for killing antinuclear campaigners. AREVA is famous for extracting wealth and leaving toxic pollution in more than 100 countries.

Look, for example, at its record in Niger, the country ranked last by the UNDP development report because more than 40 per cent of children are underweight for their age, water and access to improved water sources is scarce and almost three-quarters of the population are illiterate. AREVA extracts millions of dollars from its uranium operations in Niger, with very little benefit accruing to local people. Jeffrey Lee has protected Australia from that happening here.

He went to Paris, where AREVA is headquartered, to explain why uranium should not be mined on his land and, instead, why the area of 1,228 hectares next to Noarlunga Rock in Kakadu should be recognised by UNESCO for having cultural and environmental significance. In June 2011, the World Heritage Committee did exactly that.

Kakadu is the jewel in Australia's environmental heritage, and it is a core component of our tourism industry. In 1979 a number of chunks were cut out of it—not out of the ecological values or the living cultural values, but out of the map. It is a
frequent thing that we do: we cut rectangles out of maps and land use designations and imagine that that then should hold some kind of sway or standing in ecological or cultural arguments. Koongarra, Ranger and Jabiluka mineral leases were excised from the lines on the map, but all three of them are an intrinsic part of the environmental values, the watershed and the living cultural integrity of Kakadu. They were excluded from the national park because of their world-class uranium resources.

The Ranger mine was forced on Aboriginal traditional owners by legislation that prevented them from saying no in 1978. At the time, in response to the Fox review, it was acknowledged by the government of the day that the opposition of the traditional owners should not be allowed to prevail. The opposition was recognised. It is not that it was ignored; it was recognised, and then it was determined that that opposition should not be allowed to prevail over the interests of the uranium industry.

So-called consent for mining at the nearby Jabiluka lease was obtained from the Mirarr clan under extraordinary duress in 1982, and Mirarr have fought against mining at Jabiluka ever since. For the benefit of senators, I would cite that as probably one of the single most important reasons why I am standing here today, because that campaign was what shunted me out of my former life and caused me to take on the role of antinuclear campaigner. The idea that the Howard government would set loose the uranium industry in Kakadu against the express wishes of the traditional owners triggered something in me that has brought me ultimately into this building. An enormous international and domestic campaign led by Mirarr senior traditional owner Yvonne Margarula saw mining at Jabiluka halted. It forced mining giant Rio Tinto, which ultimately acquired the lease, to enter into an agreement with Mirarr whereby mining will not take place at Jabiluka without traditional owner consent. It is worth acknowledging Rio's management for entering into that agreement whereby they would not initiate mining on the Jabiluka mineral lease without the express written consent of the senior traditional owners from the Mirarr clan. There should be more agreements like that in Australia, but I do acknowledge that that one exists in this instance.

Jeffrey Lee has cited the strength of Yvonne Margarula as a source of inspiration for him in his consistent opposition to pressure for unwanted mining on his land. He noted last month:
I hope that one day Kakadu National Park will be truly complete with the Mirarr lands at Ranger and Jabiluka included in the national park. Kakadu will not be complete until Ranger and Jabiluka are rehabilitated and incorporated back into the park, and that is probably the only quibble that I have with this bill. It is an excellent bill. It is some period overdue, but it is here. The federal environment minister has obviously indicated his strong support. It has the support of the World Heritage Committee, the support of the landowners and, I understand, the support of all parties in this place. But calling it the 'completion of Kakadu National Park bill' is an unnecessary sting in the tail, because this tale is not yet complete.

Ranger is a toxic assault on that same landscape and, we have established through parliamentary committee work in here, leaks at least 100,000 litres of radioactively contaminated water into Kakadu every single day. That statement is going to annoy the company, because they believe that that water is dropping straight down out of the tailings dump and is not entering the arbitrary lines on the map that they have
drawn that define what is Kakadu and what is not. I reject that assertion utterly. This is radioactive tailings water that is leaking into the groundwater body directly beneath the Ranger facility, and the company does not know where it is going after that—100,000 litres a day. There have been more than 150 leaks, spills and licence breaches since the mine opened. Ranger was temporarily closed in 2011 because of the tailings dam being very close to overtopping because of a series of unseasonally heavy wet seasons. This is what will happen when you build a uranium mine in tropical Australia in an age of climate change. The wet seasons are inconvenient but true.

Despite ongoing problems and ageing infrastructure, ERA is nonetheless considering an expansion at the Ranger facility. Construction of a decline for underground mining in the guise of exploration has commenced without environmental oversight under the EPBC Act, and this exploration, if you want to call it that, is clearly the first stage of what the company intends to become a new underground mine. The Greens strongly believe, along with the many others who wrote to environment minister Tony Burke, that the minister should have taken his responsibility to scrutinise what is clearly a nuclear action under the terms of the EPBC Act. So I call on the environment minister again to protect Kakadu from the ongoing threat of mining at Ranger today and perhaps Jabiluka tomorrow because, until he does so, this bill is mismamed. I thought of bringing a second reading amendment to change the name of the bill and then figured we should let it go through but acknowledge as we do that this is unfinished business.

We also had earlier this week a number of visitors from Fukushima from a small village called Iitate that I had the experience of travelling through last year. This is an abandoned village. We had a visit in this place yesterday from a dairy farmer and his wife who had to slaughter their herd and evacuate the area along with 160,000 other people because the area had been hit by the fallout plume that had travelled north-west and then tapered south towards Tokyo in the aftermath of the explosion at the Fukushima Daiichi complex following the great Tohoku earthquake in March two years ago. Mr Hasegawa put very clearly to a press conference here and to a number of Labor and Greens MPs who took the courtesy of meeting with him while he was here that they are very well aware that we established in this place that uranium in all four of those plants came from this country, came from Kakadu, came from central South Australia.

This is not, as some have indicated, like selling someone a piece of rope and then having to take responsibility when they hang themselves or selling someone iron ore and then having to take responsibility if someone is injured with a blade made of steel. This is very different. Comparing uranium that has no other purpose apart from nuclear fuel and nuclear weapons to other, everyday commodities is, I think, to fundamentally misunderstand the nature of the argument. We sell nuclear fuel to the majority of the world's nuclear weapon states. One of the reasons that we campaigned so hard against uranium mining at Kakadu, on the shores of Lake Way, in the deserts of central South Australia, in north-western New South Wales and in inland Queensland is the local impact on groundwater, air quality, traditional rights of access to land, rights of maintenance of cultural heritage, public health and safety, safety of transport corridors and occupational health and safety. The local impacts are, in my view, intractable. This is not an industry that should be better regulated; it is an industry that should be closed down as we closed down
the asbestos industry for many of the same reasons.

What is different about this campaign is that these are not simply localised. They connect to three generations of campaigners in all parts of the world where our uranium is shipped. When we travel to those places, we realise that the misery that has been created on the ground here in Australia at the site of uranium mines is compounded in the client countries which buy this product. This government appears to be in a headlong rush, backed by the opposition, to add India to our client list, and all I can do is invite senators on all sides of the chamber to examine—because there is quite a bit on the public record—the Indian nuclear industry’s safety record and find out the near misses and horror shows that have occurred there. Senator Back is nodding, so perhaps he has done a little bit of this legwork.

The Indians almost lost a plant at Narora more than a decade ago—they would have if it had not been for cohorts of workers on very short shifts. This is what happened at Fukushima as well. They feed the workforce into the plant on 15-minute shifts, during which they will accumulate more than a lifetime's radiation dose, to pour borated sands or borated fluids onto the reactor pressure vessel to prevent it from blowing itself apart. The reason that I suspect no-one in this chamber has ever heard of Narora is that in that instance they were successful in preventing a catastrophic meltdown in India.

So we have to consider the consequences locally and internationally of engaging in the nuclear trade. I can tell you the Japanese are some of the best engineers in the world. The trains really do run on time in Japan. They know how to build things that Australia does not have the manufacturing capability for. A lot of the devices that we carry around to communicate with each other contain components from Japan. These are some of the best engineers on the planet; and, when the time came, they were not able to control the impacts of this technology, which has now led to the evacuation of thousands of square kilometres and 160,000 people in what was arguably before the disaster one of the best regulated nuclear industries in the world. Going back now, the Japanese government’s high-level inquiry into the disaster said: ‘The Tohoku earthquake and the tsunami that followed were natural disasters, and about that we can do nothing. The meltdown of Fukushima Daiichi was man-made. We caused that, and it could have been prevented.’

When we travel from Kakadu and follow the course of this trade, perhaps senators will understand why it is opposed so passionately not just here in Australia but everywhere it touches down. The people in Japan now have nowhere else to go. Mr Hasegawa had nowhere else to go. He has lost his farm. He has lost his livelihood. Now he becomes a messenger, travelling to Australia on a speaking tour to tell us, ‘Whatever you people can do to close the tap, turn it off at its source, will be appreciated in the client countries whether they know it or not.’ We do not want to have more memorials, as we did on Monday the 11th with Mr Hasegawa and his colleagues who travelled from Japan, for Kudankulam, Indian Point in the United States, any of the reactors across Eastern and Western Europe, any of the blatantly unsafe facilities that still litter the former Soviet Union, countries in Africa like South Africa that now propose to build them or, perhaps most interestingly, our largest potential client: China.

Senator Back was nodding when I spoke before about the safety record of the Indian nuclear industry, and that is because there is something on the safety record, but I invite senators to investigate the Chinese nuclear
industry safety record, because there is absolutely nothing. 'Nothing to see here. Everything is fine.' The only named antinuclear campaigners that I know of in China blew the whistle on uranium mine impacts in western China and are currently in a re-education-through-labour camp. Nobody knows of their wellbeing.

This is the industry that Mr Lee stood up against and beat. It is very encouraging to see the Australian government taking this step on his behalf and to hear Senator Birmingham's words backing that up. I wish that could happen more. I hope it happens at Jabiluka when the time comes. I hope that when the time comes—which may well be soon—we have the same kind of cross-party resolve on the issue of extending mining operations at Ranger indefinitely. Senator Wright has to contend in South Australia with the open-ended toxic legacy of the largest uranium mine in the world in central South Australia. It may not be as pretty as Kakadu, but nonetheless the possibility of leaving tens of millions of tonnes of carcinogenic uranium tailings on the surface at that facility is a daunting legacy that we are leaving for future generations.

When you look a little bit closer at the area surrounding the Olympic Dam uranium mine, you will find exquisite desert ecosystems based on the mound springs which the mine has had a devastating impact on, desert life and desert culture. This is not a case of not in my backyard. Whether it is me as a Western Australian campaigner or Jeffrey Lee fighting for his block in Kakadu or Senators Wright and Hanson-Young contesting uranium operations at Roxby Downs, this stuff is not safe for anybody's backyard. It is nice just once for this chamber to acknowledge that in honour of Jeffrey Lee.

Senator CROSSIN (Northern Territory) (13:22): I rise today very briefly and very proudly to acknowledge the Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013. This is an important moment in history, particularly for people of that region in the Northern Territory. It acknowledges Indigenous culture and acts to protect the environment. I have visited Kakadu National Park many times. I consider it a part of my home in the Northern Territory. I have experienced its pristine beauty, and I have walked through that land with traditional owners who continue to live off, and rely on, its delicate environment for hunting, living and continuing their culture and their dreamtime knowledge.

This bill repeals the Koongarra Project Area Act 1981 and in doing so takes away any threat of future mining exploration in the area. The once touted 'enormous uranium potential', particularly at Koongarra, is clearly dwarfed by the enormity of human spirit in this instance, and the fight to protect this environment. This bill will, at last, see the incorporation of the Koongarra area into the Northern Territory's, in fact the world's, pristine Kakadu National Park and serve to recognise the express views of the traditional owners of that land.

When I speak about the significance of this environmental decision, I note that this is once again a great decision to be proud of because all sides of politics have agreed to it. In the completion of this extraordinary World Heritage listed park, we see sincere bipartisan support from all sides of politics. I go to the comments of Minister Tony Burke as noted in his second reading speech, that, sadly, the public often forgets the moments in parliament when we all agree to something. And I agree that the public certainly have a penchant for noting the common disharmony in this house. But you can be sure that my constituents in the
Northern Territory will remember the agreement from all sides of politics in support of this legislation. They will witness this legislation passing. It will be a moment in time for them and they will remember the respect this parliament has demonstrated once again for protecting their land and recognising their rights. They will remember this, and therefore the story of Koongarra will be told to their future generations and to future visitors of Kakadu. It will serve us positively; it will be a story of which we can all be proud.

In his second reading speech Minister Tony Burke made reference to some of the great Aboriginal and Torres Strait Islander people who have tirelessly led Australian people to recognise the self-determination of Indigenous Australians and respect their defence of this sacred land that they call home. I too have worked with and got to know very dearly and very closely the traditional owners in this area. In fact, in my first speech in this place I mentioned the work of Yvonne Margarula and the fight at that time to stop Jabiluka being mined for uranium. Today is a special day for traditional owner Jeffrey Lee, the senior custodian of Koongarra and a member of the Djok clan. Mr Lee turned down the opportunity to make himself one of the richest men in Australia. And what for? For a far richer prize, a far better outcome: to continue his work as a ranger on a meagre salary, to continue hunting and fishing on the land on which he grew up, to protect the land from which his dreamtime stories emerge, and to keep it for future generations—both his own and those who come to Kakadu. There is clearly a moral lesson here for us all here. Mr Lee once faced a promising future of financial wealth but chose a future of wealth in honour; a respectable and moral wealth, grown through his choice to protect his land and preserve the long-time history of his ancestors.

We all know that unanimity across parliament has not always been present when it comes to native title. For the first land rights legislation passed in 1976, history shows that conservative views about Indigenous rights were rife and were ignorant on the importance of Indigenous culture. That affected native title and affected the real rights of traditional owners on their land. However, the conservative views that were voiced back then for the Northern Territory Land Rights Act are no longer heard in this house. Recognising that as forever an ignorance of our past is what is important today. Recognising Koongarra as a part of Kakadu forever is what is important today. Yes, I am proud that more than 1,200 hectares of ecological biodiversity, ancient rock galleries and sacred burial sites will now be protected and returned to Kakadu National Park. My colleague on the other side of the chamber described the geography of Kakadu National Park. If you go to any website you will see Koongarra. It is a rock island that is as high as the Kakadu escarpment but stands in isolation from that escarpment. You will recognise the pictures on the internet instantly. It is that island that people have continually wanted to mine for uranium, but it is that piece of the Kakadu escarpment which will now be protected forever.

In finishing, I once again thank the Indigenous people of that area for their tireless work in changing what has been a resistance movement to a mainstream, welcome recognition. I thank Minister Burke for his work in completing this bill, and recognition also goes to previous minister Peter Garrett, who commenced this worthy process. I thank the parliament and all sides of the house in demonstrating today that
substantial progress, symbolically and physically.

In recognising the high moral ground of these Indigenous people, the true protectors of this land, we can honestly say that, for the people of Kakadu and particularly for Jeffrey Lee and his family, this will be a moment in time that they will remember forever.

**Senator Farrell** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:30): I thank all senators, particularly Senator Crossin, for their contributions to this debate on the Completion of Kakadu National Park (Koongarra Project Area Repeal) Bill 2013.

Koongarra is an area of 1,228 hectares of native woodland of great environmental and cultural significance, located within the boundaries of—but not part of—Kakadu National Park. This bill repeals the Koongarra Project Area Act 1981 to prevent uranium mining and preserve Koongarra's environmental and culture treasures forever, in line with the express wishes of the traditional owners.

In Kakadu we have one of the most precious places on earth. This bill helps us to complete Kakadu National Park. It allows this Labor government to conclude the legacy of the Hawke Labor government and it allows Australia to proudly respect the wishes of the traditional owners and say, ‘The wishes you have for your land will be respected forever and Kakadu National Park will be complete.’ I commend the bill to the Senate.

Question agreed to.

Bill read a second time.

**Third Reading**

The **Acting Deputy President** (Senator Furner): As no amendments to the bill have been circulated, I shall call the minister to move the third reading, unless any senator requires the bill to be considered in the committee of the whole. There being no such request, I call the minister.

**Senator Farrell** (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (13:31): I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**Fisheries Legislation Amendment Bill (No. 1) 2012**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Senator Back** (Western Australia—Deputy Opposition Whip in the Senate) (13:32): I rise to continue my contribution to the Fisheries Legislation Amendment Bill (No.1) 2012. It was interesting to reflect on the comments of Senator Brandis in his contribution to the Customs Amendment (Miscellaneous Measures) Bill in which he was observing the failure of this Labor government to protect borders to the north of Australia. In my contribution last night on this bill, I also referred to the exact same failure of this government to protect our Southern Ocean and the borders to the south, making the point that it was the Howard government in 2000, with fisheries ministers Abetz followed by Macdonald and then customs minister Ellison, who actually ensured that the Southern Ocean, and particularly the fishery, would be protected.

One would assume from reading the information on the Australian Customs and Border Protection Service website that the vessel, the *Ocean Protector*—which I, during the course of my contribution, will be suggesting be renamed ‘the ocean taxi’—is actually the vessel that is tasked with that particular duty. The website very proudly says that the vessel is available for 300 days
of operations per annum and a minimum of 120 days—I say that again: a minimum of 120 days—in the Southern Ocean for all sorts of purposes associated with intercepting illegal fishermen, protecting Australia's southern borders and, of course, providing a level of protection to those of our industry that are fishing for the Patagonian toothfish and other related species in the Southern Ocean.

When you look at all that, you think to yourself, 'How wonderful those Southern Ocean protections are by the Ocean Protector—or ocean taxi—but you then, of course, inevitably come to the truth. When we look at the truth we can reveal that the last time—not the 120 days that are indicated on the Customs website—that this vessel was actually in southern waters was between January and February. And you then think, 'How marvellous; only two months ago and last month.' But, no, it was not January and February of 2013; it was 13 and 14 months ago. That was the last time that the Ocean Protector was actually doing its job in southern waters.

The Labor government has just given up on policing the Southern Ocean. Its only Antarctic capable vessel is now of course taxiing asylum seekers in the waters to the north of Australia. It has been a long, long time since that vessel has been doing its work in the Southern Ocean. You might ask whether this matters, because we have an arrangement with the French government whereby French officers are accredited on our vessels—should there ever be one there again—and, likely, Australian officers are accredited to operate on French vessels in the region to provide some level of protection. Well, the French, needless to say, have become a bit grumpy, given the fact that they have not actually seen an Australian vessel in these waters for some 13 or 14 months. They are saying, 'We thought it was a fifty-fifty arrangement,' but of course they have overlooked that it is a Labor government that they are dealing with, not the coalition government under then Prime Minister Howard with whom that particular arrangement was negotiated.

So we have a circumstance now where the ocean taxi or—I am sorry—the Ocean Protector is now operating solely in northern waters, having no involvement at all in the Southern Ocean. You might then say, 'Does it matter? Is there any evidence that those illegal fishers are once again in the waters?' Well, they understand this situation as well as we do—they probably know the failure of this government as well as we do—because, yes, over the last few weeks illegal fishermen have once again returned to the Southern Ocean and they have resumed illegal fishing operations. You might ask, 'Isn't it marginal? Does it mean much money? Do they make much out of this? Is it worth their while?' I learned last week from the industry that 200 tonnes of this highly valued fish will net illegal fishermen some $4 million—200 tonnes alone will net some $4 million. So, yes, it is very important that that vessel, the Ocean Protector, returns for at least 120 days a year to do what it is tasked to do—and that is to protect our interests in the Southern Ocean and indeed to protect the viability and the sustainability of fish stocks in the Southern Ocean.

I come now to the lamentable story of a vessel now having left Australian waters under the name of the Abel Tasman. The ship's interests came to this country and met with fisheries and agriculture minister Burke with the intention of reviewing the possibility of sustainably fishing a quota in the mid ocean where they could take up to 10,000 tonnes of fish in place of smaller vessels—for example, 10 vessels taking
1,000 tonnes of fish. The Australian Fisheries Management Authority was at that time trusted by this Labor government. The Dutch behind this project know very well that we are arguably the best-managed fishery in the world—or if not the best then right up there with them. They know the rules, the restrictions and the excellence of the fisheries authorities, and they came to Australia to say, 'This is what we want to do; do we have your sanction and your blessing?' The mistake they made was to believe then fisheries and agriculture minister Burke, because he actually welcomed them. He said, 'Yes, that's a great idea.'

His reasons were valid. Let me explain why. The waters that this vessel was to fish in are so far from shore that any of our smaller trading vessels could not hold sufficient fish stock in their freezers or chillers for the protein to be used for human consumption. Therefore, the fishmeal was being turned into pigmeal for protein for livestock. Where the *Abel Tasman* had its capacity was in the fact that, being a vessel of larger size and having better processing facilities on board, it was able to catch these fish in the mid ocean—no more fish than would otherwise have been allowed by, say, 10 vessels catching 1,000 tonnes each. It was the same 10,000 tonnes, only this time—you would not believe it—the fish could actually be used for human consumption, not pigmeal.

Nevertheless, they invested, they mobilised and they brought the vessel here. Then they were the subject of a GetUp! social media campaign which so successfully run this Labor government, only to be thwarted by none other than now environmental minister Burke—the very person who gave them the nod, the wink, the word of approval when he was fisheries and agriculture minister. Needless to say, under the influence of ill-informed people, people who were much happier for high-value protein to go to pigmeal rather than human consumption, the whole exercise was terminated. The *Abel Tasman* sat up in Port Lincoln for a time, and I understand it has now left Australian waters. And who are the losers? The Australian Fisheries Management Authority is a loser because its reputation has been trashed. The good science that dictates and oversights the Australian fishery—one of the most sustainable fisheries in the world—has had its reputation trashed because science had to give way to political persuasion and the social media. And, needless to say, our international reputation, which has been so sullied in mining, oil and gas and other operations around the world, has had another blow to its sovereign wealth, sovereign value and the sovereign reputation of this country simply because an overseas organisation attempted to do the right thing and brought their vessel into Australia waters, only to be thwarted.

It will end up in court, and once again the Australian taxpayer will foot the bill, as it so often does for this government as a result of hastily implemented and unfortunate decisions. It is poor judgement from this Prime Minister reflecting itself in poor judgement by her ministers. In this case, it is mainly Minister Burke. I do not know whether Minister Ludwig had an opportunity to have common-sense come into the equation, but if he did he certainly did not have enough influence.

In the few moments left to me I reflect on the marine park situation. Again, we would all applaud sensible marine park policy around Australia's waters. We are all proud of our waters, recreationally and commercially. But, once again, did we see good consultation by this minister and those who report to him? Did we see genuine effort to be able to include the science? Did
we see, for example, good negotiation and consultation with state and territory ministers, those on the ground who have the wherewithal, the capacity and the near-coastal waters to be involved? No, we did not. As usual, under pressure from environmental groups, we ignored science and put arbitrary lines all across the water. The last time I looked, fish could not read, and I do not think they can see, particularly the imaginary signs under the water. We have inadequate compensation being given to commercial fishermen. We once again have a scenario in which they are left scratching their heads, saying, 'Why should we be investing in this industry when it is being torn apart around us?'

The community does not understand why in this country, one of the largest, if not the largest, island states in the world, we are now importing 70 per cent of the fish that we consume by volume. Imagine that! Imagine an island continent with tens of thousands of kilometres of coastline, with hundreds of thousands of square kilometres of economic zone, importing seven out of every 10 kilograms of fish that we consume—all in the name, apparently, of sustainable fishing. What about the fisheries from which we are taking this particular fish stock? What about the excellence of science in fisheries authorities who are saying it is unnecessary?

In my concluding comments on this particular issue, on the day that a new Pope has been elected, I cannot help but reflect on the fact that the Australian people are seeing this place as akin to the Sistine Chapel. All they are seeing day after day is black smoke. As Senator Cash and I both know, having been at polling booths last Saturday, the overwhelming consensus of people we spoke to from all political persuasions was that they want to see some white smoke. We want to see the end of this government. Australia is now in limbo, business has stopped, new employment has stopped—every single solitary parameter you look at. When we see the legislation that will come into this place today by the government leader, Senator Conroy, sitting opposite me, everybody in Australia—Labor voters, Green voters, Christian Democrat voters and Liberal National voters—is saying, 'Just stop it. Just do what the democracy allows, just go to an election and let us get rid of the black smoke. Let us for heaven's sake see some white smoke come up, let us see a new government and let us get Australia going again.'

Senator BOSWELL (Queensland) (13:45): On 15 January, the *Australian* newspaper published an article about a professional fisherman in the Gulf of Carpentaria, David Wren. The accompanying photograph showed Mr Wren sitting on a wharf pile with trawlers tied up behind him. That photograph is a perfect analogy of the outcome of the Labor government's treatment of the seafood industry. The logical outcome of what the government is doing is that a lot of fishermen are going to be sitting around on wharves and jetties, getting splinters on their backsides. And it will not just be fishermen but seafood processing workers, chandlery staff and many other employees of businesses supplying goods and services for the commercial and recreational fishing industry. Under Labor, fisheries policy is a mess. Just how bad things have become is summed up by Dick Adams, the Labor member for Lyons, in a media release on 27 November. Rather heroically, given that he is a member of the government, he talks about the so-called supertrawler *Abel Tasman*. He said: 'The community was mobilised to oppose the supertrawler based on unfounded fear, despite the fact that
scientists in the field explained that its impacts would be no greater than for other methods of fishing. We should not be managing fisheries by changing the rules in high-profile cases through emergency measures.'

It is widely recognised that the Labor government has allowed distortion of the assessment of the wellbeing of the country's fisheries and exaggeration of the impacts of fishing to mislead the public perception. A multi-million-dollar campaign by numerous environmental non-government organisations, or NGOs, has fostered this misrepresentation. The government has tried to take electoral advantage of the distortion of the perception by appearing to be green, by imposing restrictions on fishing that are not supported by available science of either conservation or food security. In fact, recent government actions are at the expense of the provision of cost-effective protection of marine environments and the fisheries they support. It is also well recognised that the government has completely failed to guarantee seafood security, failed to subject claims of threats from fishing to suitably rigorous scientific evaluation and failed to critically assess other threats and how best to conserve the marine environment. Their answer has been to ban fishing from vast areas of Australian fishing zones through green zones and marine parks. Fishing is no threat to our marine environment and banning fishing is just a sacrifice offered to try to appease the Greens and the big multinational environmental organisations.

David Wren is an excellent fishermen—a third-generation fisherman—and a good businessman. I am sure David and his business will survive the worst the Labor government can throw at him. Sadly, not all fishermen and seafood business operators will be so fortunate. David talked to the Australian about the impact of no-fishing zones in the new marine reserves and about the competition faced by local fish and chip shops and other seafood retail outlets here in Australia from the cheaper imported seafood. Impacts on David Wren's business in his home port of Karumba in the Gulf of Carpentaria matter. David employs up to 50 people in a town of 500, so that employment is vital to the economy of the town and the region. The Australian dollar is at close to record highs against the US dollar and other international currencies. This makes our exports dearer in overseas markets and it makes imports cheaper in our domestic markets. That makes trading profitably harder than ever for fishermen and seafood marketers alike.

The Labor government is not to blame for the high Australian dollar. They inherited a strong economy from 10 years of the Howard government. However, the Labor government has made it even more difficult for our seafood industry to be competitive. At the same time, there are no effective arrangements in place to allow the seafood industry to easily promote its product. This government has talked about changing the PIERD Act—the Primary Industries and Energy Research and Development Act—to make it easier for seafood industry sectors to collect levies for marketing and promotion. I would value the advice of the fisheries minister on exactly where these changes are at and whether there has been any progress.

Another very important issue for the seafood industry is country of origin labelling of seafood sold in restaurants, take away shops and similar venues. This is something David Wren and many other fishermen have raised with me, and it is something they believe would significantly increase demand for their locally-caught Australian seafood. I know that the fishing industry peak body, the National Seafood Industry Alliance, made a submission to the
Labor government in May 2010 entitled 'Review of food labelling law and policy', in which the alliance requested that the existing country of origin labelling on unpackaged seafood be extended to apply also to seafood in the restaurant and food service sector. So far as I am aware, almost two years later this government has taken no action on that request and yet this is something the industry regards as very important to help create a level playing field for Australian seafood and to sell more local product at a better price.

Given the widespread industry view that labelling of country of origin on seafood sold in restaurants and takeaways would significantly boost sales of Australian seafood, the coalition government will make this a priority issue. It was a coalition government that previously introduced the mandatory labelling of country of origin on unpackaged seafood in retail outlets, including supermarkets. We will do the same for restaurants and other venues for cooked seafood.

This is a time consuming exercise, having the necessary changes made through the national food body—Food Standards Australia New Zealand, or FSANZ—which makes it even more disappointing that the current Labor government appears to have taken no action on the National Seafood Industry Alliance request of almost two years ago. But the coalition will certainly initiate immediate action on coming to government. We will also encourage state governments to examine whether they can more speedily introduce this country of origin labelling of seafood in restaurants and takeaways through changes to state legislation, not only on compliance and regulation.

The only place restaurant labelling of seafood occurs at present is in the Northern Territory where all imported seafood must be labelled with its country of origin, including cooked seafood sold for immediate consumption in restaurants and takeaways. This is working very well and the seafood industry there believes it really does increase demand and sales of local seafood.

In the rest of Australia, when someone goes into a fish and chip shop and buys a piece of fish, it could have come from anywhere. For example, fish such as the farmed Vietnamese catfish, called basa, is far cheaper for shops to buy than good quality Australian fish like mackerel. Our top quality Australian fish is competing with cheap product from countries that do not have to match our environmental record, our controls on fishing methods or our sustainable fisheries management. Those countries also do not have all the extra burden that Australian fishing businesses are forced to carry, like a carbon tax, renewable energy tax, the exorbitant price of refrigeration gas and all the add-on costs of complying with government red tape in this country. It is time we helped level the playing field and made sure that Australian seafood consumers, who want to buy Australian fish in restaurants and fish and chip shops, can identify the local product. That is what we will do.

Surveys show that Australian seafood consumers, including restaurant diners, are prepared to pay extra for Australian seafood. However, they have to able to recognise it as Australian. At present, there is nothing to distinguish Australian produced seafood from imported seafood on restaurant menus. We will make this change and make sure labelling is applied to restaurants and takeaways. The fact that the present government has taken no action demonstrates how little interest they have in assisting the industry to prosper. They just want to police it and limit it and even close it out of valuable fishing grounds, just making
life even harder for this important industry, and harder to be profitable and provide important regional jobs in often remote areas around our coastline.

These are dire times for the Australian seafood industry, faced with significant cutbacks in access to resources and, hence, in catches of seafood, due to fishing closures in the new Commonwealth government marine reserves to be implemented next year. Extending the country of origin regulations to restaurants is a practical no-cost means of demonstrating support for the seafood industry and assisting its future growth. As I said, this will be a priority issue in government for the coalition.

Labor's mismanagement of fisheries is a shameful mess. The case of the *Abel Tasman* has already been mentioned. The government took its lead from Greenpeace. This is the so-called supertrawler that Dick Adams, the member for Lyons, spoke about. The government invited this trawler to Australia. Its Australian based operators went through all the proper procedures and yet the government went to water when the vessel arrived.

On 4 September the environment minister Tony Burke announced the vessel would have to meet what he called 'tough new environmental conditions' to operate. However, a week is a long time in politics. Just a week later, on 11 September, the environment minister announced the vessel would not be allowed to operate at all, and that he was legislating to extend his legal powers to prevent it fishing in Australian waters, at the same time effectively increasing the powers of the environment minister to dictate what could happen in all forms of fishing. On 20 September the environment minister announced the vessel would be banned from fishing for 60 days, and then, on 19 November, he announced it would be banned for at least two years. The vessel has now left Australia, no doubt to the cheers of environmental activists and their mates in Minister Burke's office.

I find myself in complete agreement with Dick Adams: the government should not be managing fisheries by changing the rules in high-profile cases through emergency measures. It is the opinion of the Greens and Big Environment that matters to the Labor government. They certainly do not care about recreational or commercial fishermen's opinions, and they have clearly demonstrated that.

For example, with the huge marine parks that the government wants to bring in—2.3 million square kilometres—the government released draft management plans for the new marine reserves, with just the minimum 30 days' consultation, in the middle of the Christmas school holidays. Of course, many of the people most interested in commenting on these very detailed plans for future fishing bans in vast areas of ocean around Australia were on holidays.

Recreational and commercial fishing representatives requested the government to extend the period for consultation from 30 days to 90 days. The Australian Recreational Fishing Foundation, the national peak body, said the 30-day consultation period was too short to comprehensively comment on the 40 reserve areas and the hundreds of management zones within them. The Commonwealth Fisheries Association pointed out that this was the biggest change likely to be experienced by most Australians in their lifetime as to how Australia's marine areas would be managed. The association said the marine industries and the community expected to be given a proper opportunity to consider the draft management plan and to provide the government with feedback. It said that 30
days, over the holiday season, was inappropriate and unacceptable. The very reasonable requests of both these organisations and others were, of course, totally disregarded.

If you want to know what the real problem is with Australian fisheries, I quote Professor Robert Kearney, Emeritus Professor of Fisheries at Canberra University. He says:

Australia has one dominant problem with its fisheries research and management—and that is that fisheries scientists, fisheries management agencies and the fishing industry have allowed public perception of fishing to become seriously besmirched. The responsible authorities do not counter the misinformation that continues to support the public perception that Australia's oceans are in peril from fishing and that as a result it is environmentally irresponsible to eat many species of fish. It is arguably dereliction of duty by Australia's fisheries management and research agencies to allow this incorrect perception to exist and for it to increasingly dominate attitudes of seafood consumers.

**QUESTIONS WITHOUT NOTICE**

**Media**

**Senator SINODINOS** (New South Wales) (14:00): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer again to the lack of proper and sensible process in cabinet's consideration of the minister's draconian new media laws. Is it the fact that, when cabinet considered the matter on Monday, no submission explaining the details of legislation introduced into the House of Representatives today had been circulated prior to the meeting, at least three senior members of the cabinet were not present because their flight from Sydney was late, the usual coordination comments from Treasury and other central agencies had not been circulated, and there was only very limited discussion of this important issue? How can Australians have confidence in a minister and a government that ram important decisions through cabinet with such contempt for their own processes?

**Honourable senators interjecting**—

**The PRESIDENT:** Wait a minute, Senator Conroy. When there is silence on both sides we will proceed.

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:01): I congratulate Senator Sinodinos on being allowed to ask a question and let out in public. It may come as no surprise to those in the chamber that my best advice to you, Senator Sinodinos, is: do not believe everything you read in the *Daily
Telegraph. Really, I can only say to you: you should not use them as your entire source of information—except perhaps when it comes to their reporting of the ICAC evidence of the investigation of your involvement with Eddie Obeid.

Senator Ian Macdonald: Or about your involvement with Eddie Obeid!

Senator CONRO Y: No, mine is on the record. Yes, he knew me so well he forgot my name!

The PRESIDENT: Senator Conroy, ignore the interjection.

Senator CONRO Y: I am guilty as charged!

The PRESIDENT: Senator Conroy, ignore the interjection and come to the question. Interjections are disorderly; I remind honourable senators of that.

Senator CONRO Y: Thank you. So it really, really is sad when, for those opposite, the entire source of their question time advice is to read the Daily Telegraph and then come in here and ask a question based on it.

Honourable senators interjecting—

Senator CONRO Y: That is right, Senator; that is right. But the source of the Daily Telegraph should be an immediate red flag when it comes to drafting a question about cabinet processes. Seriously, Mr President, those opposite should spend their time explaining why they do not want to protect diversity, which is exactly what the cabinet considered and exactly what the cabinet supported—protecting diversity in this country. Those opposite want to see a further contraction in the owners—

Senator Brandis: Mr President, I rise on a point of order. The minister has only three seconds to go. He has almost entirely exhausted his time. He has not addressed the question at all. The question was limited to the question of the proper cabinet process. And no, Senator Conroy—through you, Mr President—it is not enough to use a word quoted in the question in the course of an irrelevant spray to make yourself relevant. I ask you to direct him, albeit with only a few seconds left, to the question.

The PRESIDENT: There is no point of order. The minister has been addressing the question. The minister has three seconds remaining.

Senator CONRO Y: Oh, dear!

Honourable senators interjecting—

The PRESIDENT: Order! Senator Conroy—

Senator CONRO Y: The arrogance, Senator Brandis! The arrogance! Stand up and say it—

The PRESIDENT: Senator Conroy!

Senator CONRO Y: So, as I was saying, the cabinet considered this matter—(Time expired)

Senator SINODINOS (New South Wales) (14:04): Mr President, I ask a supplementary question. Will the minister confirm reports that Senator Marshall, as the distinguished chair of caucus, was concerned that the usual caucus processes and procedures were bypassed when the minister put his new media laws before caucus? Isn't it the fact that caucus is now so diminished and its members so punch-drunk and resigned to their fate that they have yet again dared not raise their voices to stand up for themselves or the Australian public interest?

Senator CONRO Y (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:05): The caucus of the ALP considered the matter, and the caucus supported, and the caucus had been calling on me, as you could
read regularly in the newspapers, for us to bring this policy forward. So the caucus were very, very supportive of this policy. And you should understand that the processes in the Labor Party are a little different from the processes in yours. They are a little different. We have seen those opposite—

*Honourable senators interjecting—*

**The PRESIDENT:** No, Senator Conroy has not finished. I have told him to resume his seat because of the noise in the chamber. Senator Sinodinos, you are entitled to listen to the answer and not have the answer drowned out by people on both sides.

**Senator CONROY:** I am pleased to say that it is clear that the senator has drawn on many sources for this question, not just the *Daily Telegraph*. He has many sources in the newspapers about what goes on in the Labor caucus, and so I am very pleased. But let me assure you— *(Time expired)*

**Senator SINODINOS** (New South Wales) *(14:06)*: Mr President, I have a further supplementary question. Did the minister bypass the ordinary cabinet and caucus processes because he was concerned that if his colleagues had sufficient time to get across the detail of these new, draconian proposals they would have revolted?

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) *(14:07)*: I vehemently reject the premise of this question. I will repeat what I have just said. If you followed these issues in the papers you would have seen that the caucus regularly was asking for this policy to come forward—regularly. I think we give briefings. Mr Albanese gives a briefing about the caucus afterwards, and Mr Albanese—

**Senator Brandis:** Do you know what Mr Albanese says about you—do you have any idea?

**The PRESIDENT:** Order! Senator Conroy, resume your seat. I remind honourable senators that interjections are disorderly.

**Senator CONROY:** Mr Albanese gives a briefing and he will have briefed that the caucus has consistently asked for and called on me to bring forward the policy. So when we brought it forward the caucus discussed it and the caucus supported it. Any suggestion from those opposite that it is a draconian policy just demonstrates that they want to see a further concentration in media ownership in this country. Shame on you all! *(Time expired)*

**DISTINGUISHED VISITORS**

The PRESIDENT *(14:08)*: I welcome in the gallery former Senator John Tierney. Welcome. Good to see you.

*Honourable senators: Hear, hear!*

**QUESTIONS WITHOUT NOTICE**

Parliamentary Budget Office

**Senator MARK BISHOP** (Western Australia) *(14:08)*: My question is to the Minister for Finance and Deregulation.

*Opposition senators interjecting—*

**The PRESIDENT:** Order on my left! It is proper to show the courtesy that a questioner deserves by remaining silent.

*Opposition senators interjecting—*

**The PRESIDENT:** I remind those on my left of the courtesies that should be displayed. Senator Bishop.

**Senator MARK BISHOP:** Thank you, Mr President. My question is to the Minister for Finance and Deregulation, Senator Wong. Can the minister outline to the Senate what steps the government is taking to enhance the capacity of the Parliamentary
Budget Office to assist parties with costing of their policies? Why is it important to take action to improve the ability of parties to properly cost policies?

**Senator WONG** (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:10): The first and simple answer to that question is that fiscal policy is an important part of good economic management. We saw today—  

**Senator WONG:** I am sure Senator Abetz is one of the few people in the country who are not happy about this, but we saw today unemployment figures come out which showed that 926,000 jobs have been created since the Labor government came to office in 2007 and, as pleasingly, also an increase—

**Senator Abetz interjecting—**  

**Senator WONG:** What was your promise?

**The PRESIDENT:** Order! I remind those on my left that silence should persist during the answer of the minister.

**Senator Abetz:** What was your promise?

**The PRESIDENT:** Order! I just said silence should be there for the minister's answer. The minister.

**Senator WONG:** Thank you, Mr President. As pleasingly, the participation rate also increased.

**Opposition senators interjecting—**

**The PRESIDENT:** Order! You need to refer to people by the right title.

**Senator WONG:** Mr Hockey gets rolled by Mr Andrews. Someone put it very well—it might have been the Treasurer: 'If you get rolled by the member for Menzies you've really got a problem!' So the simple answer is that when it comes to—  

**Honourable senators interjecting—**
The PRESIDENT: When the interjections, which are disorderly, have ceased we will continue question time.

Senator MARK BISHOP (Western Australia) (14:13): Mr President, I have a supplementary question. Can the minister explain any other steps the government is taking to promote transparency around costings prior to elections and how will the proposed process differ from what we have seen at previous elections?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:13): The key difference is we do not want Mr Hockey and Mr Abbott to seek to con the Australian people like they tried to do on the last occasion, when they refused to release their policies, they refused to release their costings and then after the elections, as a result of the parliament being in the position it was, their policies were actually audited in a post-election report. And what did we see? We saw an $11 billion black hole in their costings. In fact, what is very interesting is that the economic team that is currently part of the coalition frontbench—that is the one that does not appear to be able to get its position through at shadow cabinet—have actually never once got their costings right, not in the election and certainly not when they have used a catering company to do their costings. What the government is doing is ensuring that this sort of con job cannot occur again.

Senator BIRMINGHAM (South Australia) (14:16): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I refer the minister to the provisions of the ironically titled News Media (Self-Regulation) Bill 2013 that would cause the Public Interest Media Advocate to begin assessing the eligibility of a news media self-regulatory body for declaration under the act as early as next month. Has the minister, or anyone acting on his or the government's behalf, already sounded out anyone to fill the role of the Public Interest Media Advocate and, if so, who?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime
Minister on Digital Productivity) (14:17): That really was a shameless job advertisement, Senator Birmingham. You could have just given me your CV quietly in the corridor, or slipped it under my door—

The PRESIDENT: Senator Conroy, just come to the question.

Senator CONROY: But really, Senator Birmingham, we did discuss yesterday that politicians or ex-politicians probably, in my view, would not get it, but you could have just slipped it under my door rather than that shameless job application.

The PRESIDENT: Senator Conroy, address the question.

Senator CONROY: On the question of the selection of the media advocate or if anybody has been approached, to my knowledge that has not occurred. But I do appreciate the conspiracy theories that have run amok over there—the vengeance, that we have already stitched up a trade union thug, as Senator Brandis keeps shouting. But no, Mr President.

Opposition senators interjecting—

Senator CONROY: Oh dear, listen to the lawyers brigade—the born-to-rule brigade over there who cannot help themselves. I can confirm, as I said, that to my knowledge nobody has been canvassed or spoken to.

Senator BIRMINGHAM (South Australia) (14:19): Mr President, I ask a supplementary question. I refer the minister to the provisions of the Public Interest Media Advocate Bill 2013 and promises made by both the Prime Minister and the minister yesterday that the opposition would be consulted on the appointment of the Public Interest Media Advocate, as well as promises made repeatedly by the minister that he does not believe that a politician or a former politician would hold the role. Why are such requirements or prohibitions not included in the bill?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:19): Another conspiracy has been uncovered. As has been indicated, the Prime Minister has publicly stated that we will be following the Nolan principles and that we will be consulting. We are very comfortable with that commitment and we are very comfortable with adding those to the bill. So let me be very clear: we will be following the Nolan principles.

Senator BIRMINGHAM (South Australia) (14:20): Mr President, I ask a further supplementary question. I note the minister's media reform package comprises six bills and more than 130 pages of new regulations. Given that the minister is so concerned about the public interest, how does the minister believe it can at all be in the public interest to ram such unprecedented changes through by guillotining legislation in the parliament and allowing so little time for public scrutiny of these reforms?

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:20): Two full inquiries over 18 months—

Honourable senators interjecting—

The PRESIDENT: Just wait a minute, minister. You are entitled to be heard in silence.

Senator CONROY: Hundreds—

Senator Birmingham: Mr President, I rise on a point of order. The minister is at serious risk of misleading the Senate if he goes down the 'two full inquiries' path. There
is only one inquiry into this legislation and it is due to report in just four working days.

The PRESIDENT: Senator Birmingham, that is not a point of order. That is a debating point which you can use after three o'clock when you take note of the answers, if you desire.

Senator CONROY: The Finkelstein inquiry. Cabinet had public meetings and took submissions. The Convergence Review had public meetings in regions across Australia. The public were invited to make submissions. Hours and hours of discussion have taken place on this. The fact that you have not asked me a single question on this topic in the last two years has got more to do with you than it has—

Opposition senators interjecting—

Senator CONROY: Well, maybe you can remember one. I think you only asked me two or three last year in total. But there have been countless hours, countless column inches, countless report pages and we are not going to be in a circumstance where we are going to be bartered on this. The parliament has a choice: support diversity in the media and ensure the standard of the press—

(Time expired)

International Development Assistance

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:22): My question without notice is to the Minister for Foreign Affairs, Senator Carr. Does the minister acknowledge the concerns of the Movement to End Poverty and of the 1,000 young people engaged in the campaign of the Oaktree Foundation, the Make Poverty History coalition and the Micah Challenge about the government and the coalition dragging their feet on financing 0.5 per cent of GNI for overseas aid and also dragging their feet on the Millennium Development Goals? And, if so, will the government identify the specific year in which Australia intends to achieve the goal of 0.7 per cent of gross national income for overseas aid?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:23): It is the goal I identified at the rally I attended with Senator Milne today. I made that commitment, I made it clear and I do not resile from it. We spoke to them. That is public and we adhere to it. What Senator Milne is entering into is an argument—

Opposition senators interjecting—

Senator BOB CARR: I am sorry, did you mention Senator Arbib?

The PRESIDENT: Senator Carr, ignore the interjections. Address the question and ignore the interjections

Senator BOB CARR: There is only one figure in this Senate chamber who opted to be a business partner and co-investor of Senator Arbib and that is—

The PRESIDENT: Order! Senator Carr, come to the question.

Senator BOB CARR: We will deliver, as we said we will. There is a larger question about when we get to 0.7 per cent. And there is a larger question sought by those people today, those fine upstanding people, for 2020. I cannot make that commitment. I can say that, when we reach 0.5 per cent as targeted, we can make a decision about reaching 0.7 per cent. I can say that everything we have done with aid is absolutely compatible with the goals we have laid out, including the decision to sustain people bidding for asylum seeker status while they are on Australian soil from the ODA budget, as is compatible with OECD guidelines. I do not apologise for that.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:25): I thank the minister for indicating there is no time frame for 0.7. I now ask a supplementary question: given that the government has rolled its
climate financing obligations under the UNFCCC into the overseas aid budget, will the government be transparent in this year's budget as to what the exact dollar figure is that is already committed for climate finance in 2013-14, so everyone can see what remains for overseas aid?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:26): We are on target to reach 0.5 per cent, as I said—and I have got my speech in front of me—by 2016-17. We have said that before and we say it again. We are totally accountable in terms of every aspect of the AusAID budget. As I said at the estimates committee, you can find the details online and we are proud of that level of accountability. In estimates recently, the opposition and the Green party were able to exhaust their folder of questions about AusAID expenditure, with every question being met in comprehensive detail.

Senator Kroger: Nonsense!

Senator BOB CARR: Name one that is outstanding. Name one; I want just one.

Honourable senators interjecting—

The PRESIDENT: Order, on both sides. It is Senator Milne's question and Senator Milne is on her feet.

Senator Milne: Mr President, I would ask that the minister go to the question, and that is the dollar figure in this year's budget in terms of transparency for UNFCCC funding.

Senator BOB CARR: I cannot answer the detail of that question. I will take advice.

Senator MILNE (Tasmania—Leader of the Australian Greens) (14:27): I would like to think we will get that transparency. Mr President, I ask a further supplementary question. Minister, given your concern for Kiribati and Laos that you mentioned this morning and the important projects that we support in those countries, why have you redirected $375 million to offshore processing, away from overseas aid, particularly slashing $50 million from the Pacific and $6 million from Laos, having said that they were important projects?

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (14:28): I can say, after visiting Laos three weeks ago, that the government and indeed the community of Laos are enormously grateful to Australia for the aid that, among other things, funds demining of unexploded ordnance in the north of that country; funds operations on youngsters in the Vientiane hospital; restores the sight of Laotians with sight impairment and blindness; and provides university scholarships for 70 young Laotians. I was honoured to be there on behalf of Australia to hand out those scholarships.

I have to say that, in my meetings with the leaders of Laos—the Prime Minister, the foreign minister and other ministers—I encountered nothing but warm-hearted friendship and gratitude for the Australian aid partnership. All Australians can be proud of our contribution to this developing country. On Kiribati, what other nation has enlisted itself— (Time expired)

Indigenous Employment

Senator PAYNE (New South Wales) (14:29): My question is to the Minister representing the Minister for Families, Community Services and Indigenous Affairs, Senator Kim Carr. I refer to the unresolved funding issue under the Indigenous Employment Program. Can the minister advise when Indigenous employment providers across Australia will formally advise of the commencement and cessation dates of the IEP funding moratorium and during what period—that is, what specific dates—did the moratorium apply? Why has
the government still not provided any certainty for IEP providers like Habitat Personnel on the New South Wales South Coast and ACT and surrounding areas which has placed well over 97 Indigenous job seekers in jobs in the last nine months, basically working unfunded to do that?

The PRESIDENT: The Minister representing the Minister for Families, Housing, Community Services and Indigenous Affairs, Senator Kim Carr—

Senator Wong: Mr President, on a point of order. I actually believe that I am representing the minister with responsibility for that program. I am happy for Senator Kim Carr to take as much as he can. I am certainly happy also to take on notice—

Opposition senators interjecting—

Senator Wong: I am trying to be of assistance, Senator; I am actually not trying to make—

Senator Ian Macdonald: He got to his feet. Don’t you trust him?

Senator Wong: Senator Macdonald, I am trying to be of assistance, not make a political point. I know that you are incapable of understanding that fact, but that is what I am trying to do.

Senator Sterle interjecting—

The PRESIDENT: Order! The minister is trying to assist the process.

Senator Payne: Mr President, on a point of order: would Senator Sterle like to repeat the remark he made on the record? I doubt it. Secondly, I believe the last time I did ask a question on the IEP, it was in fact answered by Senator Carr.

The PRESIDENT: Minister Wong believes the question is properly directed to her. It seems to me that Minister Wong should be the person to answer the question, so I call on Minister Wong.

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:31): Senator Carr is going to buy me a drink later, I think. As I understand it, this is in Minister Collins’s portfolio, which I do represent in this place. In relation to the Indigenous Employment Program, the government obviously remains committed to it and will fund over $640 million to the program over the next four years. I am also advised that the Department of Education, Employment and Workplace Relations is meeting all of its contract commitments for the current IEP projects. This includes making timely and efficient payments to employers, individuals and IEP panel members.

In moving forward, the department is continuing to accept and consider proposals for the provision of IEP services from panel members and employers. It should be noted that there has been very high demand for this funding. A priority is being placed on the funding of high-quality projects that deliver strong employment outcomes, including in a range of key industries such as retail, mining, transport, banking, finance and the public sector. I think the senator asked when notice was given in relation to particular contracts. I do not have a brief—and she might want to follow this up in a supplementary—that appears to go specifically to that issue.

Senator Abetz: But Senator Kim Carr does.

Senator WONG: If Senator Carr does, he will probably hand it to me, so I will provide it. I will take that aspect of the question on notice and I will see if I can clear up anything further in the supplementaries.

Senator PAYNE (New South Wales) (14:32): Mr President, I ask a supplementary question. I apologise to the minister for the
earlier confusion. The minister, I believe, has been ill-advised in relation to the current status of the IEP. Given that a company like Habitat Personnel will only be able to continue to operate until May this year due to lack of funding processing through to their business, when will DEEWR be releasing funds so that they can continue to deliver the services they do to Aboriginal communities and to ensure that the massive and unacceptable gap with Indigenous employment that the Prime Minister referred to in her Closing the Gap speech just last month is actually being addressed?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:33): As I said, the government is funding over $640 million to the program over the next four years, so demonstrably is committed to it. I also understand that the department has consistently advised organisations that competition for funding is extremely competitive, as IEP funding is for short-term projects only and is not a source of permanent, ongoing funding. This is the advice I have. DEEWR is working with a number of its IEP panel providers to source other possible funding assistance. I do have some information regarding specific organisations, but I regret that the Habitat organisation is not amongst those.

Senator PAYNE (New South Wales) (14:34): Mr President, I ask a further supplementary question. The minister referred to increased demand for IEP funding applications. Can the minister advise when organisations like Habitat will actually be advised when the funding applications will be met? Why would we conclude anything other than that the government has run out of money and the IEP commitment targets are just floating in the breeze?

Senator WONG (South Australia—Deputy Leader of the Government in the Senate and Minister for Finance and Deregulation) (14:34): I think this will be the third occasion on which I have indicated what the allocation of the program is out to 2015-16, so I am not sure about the proposition that the government has run out of funding in relation to the program. In relation to payments, the advice I have—and as minister representing that is all I can provide to the Senate—is that the department is meeting all of its contract commitments for current IEP projects. This includes making timely payments to employers, individuals and IEP panel members. That is the advice I have received in relation to payments. If that is different to the advice that the senator is aware of then obviously she is entitled to put that to us and, if there is anything further in relation to that, I will obviously obtain some information about that.

Migration

Senator STERLE (Western Australia) (14:35): My question is to the Minister representing the Minister for Immigration and Citizenship, Senator Lundy. Can the minister advise the Senate why the government is implementing changes to the 457 visa program?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:36): Labor's policy on Australian jobs is to put workers in Australia first. This means protecting jobs for Australians regardless of where they were born. It was reinforced by the Prime Minister's announcement this morning to add a new modern awards objective in the Fair Work Act to protect penalty rates for Australian workers. Our changes to the 457 temporary skilled visa...
include employers being required to demonstrate there is a genuine skill shortage, the inability for employers to send temporary overseas workers to an area where local skilled workers are already available, and closing a loophole that allowed employers to bring in overseas temporary workers under false pretences and pay less than the position for which the visa was issued.

We have successfully settled over seven million people in Australia and our cultural diversity contributes to Australia being such a wonderful country. We relish our multicultural character and we know it brings us many benefits, economically, socially and culturally. One of the key factors that determines successful settlement in Australia is having a job, and the message that I am hearing from some permanent migrants and refugees is that they are finding it difficult to get a permanent job despite being ready, willing, able and skilled. That is why our government is unapologetic in implementing changes that not only stop the practices that I have outlined in relation to the 457 class visa, but offer support to workers seeking sustainable permanent work in Australia. Local workers who can do these jobs deserve the chance to do them. Our policy on jobs is to put workers in Australia first and that will remain our focus.

**Senator STERLE** (Western Australia) (14:38): Mr President, I have a supplementary question. Can the minister give some examples of the way the 457 system has been used?

**Opposition senators interjecting—**

**Senator LUNDY** (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:39): The Gillard Labor government has worked hard to create many jobs, improving working conditions and giving more people more skills, and to spread opportunity. We do not accept that the 457 visa should be used in a way that the coalition would like, referring to it as the mainstay of immigration. This approach will clearly displace the opportunities for local workers here in Australia; as I said people ready, willing and able to work, not to mention skilled in the right areas. Let us be clear on this point: if an Abbott government was managing the overseas temporary skilled worker program, it would be open slather. The coalition would
argue that work should be more flexible. And, we know what 'flexible' means: it is nothing but code for John Howard's Work Choices. Work Choices meant ripping off pay and conditions from workers, it meant driving down wages and it meant reducing and denying penalty rates and other conditions for Australian workers. (Time expired)

Schools: Computers

Senator MASON (Queensland) (14:41): My question is to the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. I remind the minister that former Prime Minister Kevin Rudd promised in 2007 that all one million laptop computers in secondary schools, that were promised by Labor, would be connected to fast, up to 100 megabytes per second fibre. Will the minister confirm that as at February this year only 12 of some 2,650 Australian secondary schools have been connected to the NBN?

Opportunity senators interjecting—

The PRESIDENT: Order! When there is silence on my left, we will proceed.

Senator CONROY (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:42): Can I congratulate the senator on his question. The portfolio issue is, as you know, under Senator Kim Carr, but I am happy to address it. Our investment of over $2.1 billion in the DER has massively increased ICT infrastructure in schools. Only this government has had the vision to provide access to a device for all students in years 9 to 12. We are also taking action to make sure that students can make the most of these computers by linking schools across the nation to the NBN—as you have asked—and developing high-quality digital tools, resources and infrastructure for teachers and students. Let me tell you about the school in Willunga.

Senator Payten interjecting—

Senator CONROY: The school in Willunga is connected to the National Broadband Network. Students from the school in Willunga have attended a class in astrophysics for year 10 students, which was hosted in Melbourne, because of the National Broadband Network. A recent report—

Opportunity senators interjecting—

The PRESIDENT: Order! Order! When there is silence, I will recognise Senator Brandis. When there is noise in the chamber, I will not. Senator Brandis.

Senator Brandis: I rise on a point of order, Mr President. The point of order is directed to direct relevance. We have allowed the minister to use more than three-quarters of the time available to him to address the context of the question. But in fact he was only asked one thing: will the minister confirm that, as at February this year, only 12 of some 2,650 Australian secondary schools have been connected to the NBN? That was all that he was asked. Can I ask you to direct him to that specific question in the short time remaining to him?

Senator Wong interjecting—

The PRESIDENT: Order! The minister has 28 seconds remaining. I do draw the minister's attention to the question.

Senator CONROY: A school connected to the NBN in Willunga is absolutely relevant to this question. A year 10 astrophysics class which could not possibly be financed, resourced or taught in this school is available to year 10 students because it is hosted in Melbourne. I am advised that there are at least 19 schools, one polytechnic and two trade training centres connected to the NBN, and the New South
Wales government said you could not connect to any. *(Time expired)*

**Senator MASON** (Queensland) (14:45): Mr President, I ask a supplementary question. Given that, in the year up to February 2013, only four secondary schools have been connected to the NBN, can the minister confirm that, at this rate, it will take the government 600 years to connect all the secondary schools to the NBN?

*Opposition senators interjecting—*

**The PRESIDENT:** I have reminded people earlier during question time that calling across the chamber is disorderly. If you wish to debate it, the time is post three o'clock. If people insist on shouting across the chamber, we will just pull question time up. It is the simple way.

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:46): You know what would help connect the schools to the NBN particularly in, say, New South Wales? They are not actually building an NBN, but put that aside. What would help connect the schools is the O'Farrell government withdrawing its instruction to the schools in New South Wales not to connect to the NBN. So don't come in here and play a few games. The O'Farrell government has stood in the way of connecting schools in New South Wales to the National Broadband Network. You can sit there and shake your head, but that is the fact. Those schools could be connected, but the O'Farrell government keeps getting in the way, keeps opposing, keeps not facilitating and keeps obstructing. Senator Mason, you should ensure that you are given a full briefing on the behaviour of the New South Wales government. Whether it is connecting fibre on the poles of a New South Wales electricity company or connecting fibre to the schools— *(Time expired)*

**Senator MASON** (Queensland) (14:48): Mr President, I ask a further supplementary question. Given that, in the 5½ years since Mr Rudd's promise of fast computer connections was made, only 12 out of 2,650 high schools have been connected to the NBN—

**Senator Conroy:** Nineteen.

**Senator MASON:** Nineteen—will the minister now admit that the much-touted digital education revolution is just a sham? Will he look into this embarrassing policy fiasco?

**Senator Kim Carr:** He might be a knuckle dragger!

*Honourable senators interjecting—*

**The PRESIDENT:** I remind honourable senators on both sides that time for debating this is after 3 pm.

**Senator CONROY** (Victoria—Leader of the Government in the Senate, Minister for Broadband, Communications and the Digital Economy and Minister Assisting the Prime Minister on Digital Productivity) (14:49): I have to concede that I think Senator Carr has been too kind to you, Senator Mason. He has always exempted you from the knuckle draggers, but today you have joined them. The digital education revolution is delivering astrophysics classes to year 10 students in the small country town of Willunga. It is delivering home schooling to students in Tasmania. It is delivering—

*Opposition senators interjecting—*

**The PRESIDENT:** Senator Conroy, resume your seat. When there is silence on my left, we will proceed. You are wasting the time of question time. Senator Conroy.

**Senator CONROY:** As I was saying, those opposite might want to mock the ability to deliver an astrophysics class to a
small school in the small country town of Willunga, but the knuckle draggers over there will not be able to stand in the way of the education revolution. Students in Tasmania are home schooled and attending the class. Students in Willunga are attending a Bell Shakespeare rehearsal at the Sydney Opera House and asking the actors—(Time expired)

DISTINGUISHED VISITORS
The PRESIDENT (14:51): I note the presence in the gallery of former senator Grant Chapman. Welcome to question time.
Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE
Agriculture
Senator XENOPHON (South Australia) (14:51): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig, in relation to the matters I raised with him yesterday in question time. With regard to the consultation process for cost recovery of export fees, can the minister indicate how many small businesses in total and in South Australia particularly were consulted and how many of these businesses had fewer than 20 employees? Did any small business owners participate in the ministerial task force? What other options for consultation were open to small businesses if they did not sit on the task force and were not directly approached by the department?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:52): I thank Senator Xenophon for his question and for the opportunity for the government to outline its consultation with horticulture exporters on fees and charges for the export certification in the horticultural industry.

Senator Kim Carr: Again.

Senator LUDWIG: Again. As outlined yesterday, Australian horticultural exporters are a diverse group. I think you have outlined that many of them are small businesses. I understand that and respect their involvement in this industry. The government has made considerable efforts to target well its communication about the $127.4 million export certification reform program and its outcomes. On 24 November 2009 Minister Burke announced the program by media release and the government committed to reduce red tape and reduce the cost of government service delivery by $30 million. We delivered on that aim. There was a reduction in the costs of the horticultural export program of about $1 million, which is roughly 12.5 per cent. To give effect to that the government established a ministerial task force chaired by the Australian Horticultural Exporters Association, whose task it was to consult with their constituents and represent the interests of their members and the industry more broadly. The members of the task force included people from the Australian horticultural exporters, people from the South Australian Industry Development Board, from Global Fruit Exchange, from the Australian Mango Industry Association, from citrus growers and packers, from the Nursery and Garden Industry Association, from Fruit Growers Tasmania, from Ironbark Citrus and Grapes, from Antico International Pty Ltd, from Horticulture Australia Limited, from Center West Exports, from the LaManna Group and from the AS Barr Group. I can go further. There was also a range—(Time expired)

Senator XENOPHON (South Australia) (14:54): Mr President, I would be grateful if the minister took on notice the question I just asked him about the number of small businesses consulted. I ask a supplementary question. Can the minister justify how a one size fits all fee schedule makes sense for
Australian producers and how it does not discriminate against small producers? Can the minister indicate a willingness to examine a long-term model of cost recovery where there is a sliding scale of fees to accommodate small businesses?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:54): The fees and charges are set based on the forecast of running the program on a year-by-year basis. It is fair to say that I liaised with exporters to see if there was a better way to apply the fees and charges while at the same time addressing the chronic undercollection issue in the program. I distributed three separate models, which I am happy to provide to Senator Xenophon's office, about how we could move forward in making sure that there was not a chronic undercollection in this industry. The government provided transitional assistance to give effect to assistance and worked to achieve acceptance of the authorised officers in key markets to reduce costs. That is the government's role. I note that the opposition, as well as you, Senator Xenophon, have called on me to cut a deal for small exporters. I would argue that the package provided goes well beyond that: $6.5 million in transitional assistance—

(Time expired)

**Senator XENOPHON** (South Australia) (14:55): I have a further supplementary question, Mr President. Can the minister justify why small producers like Mick and Tanya Puntiero of the Riverland in South Australia, lime growers, should be forced to change their business models either by moving out of exports entirely or by being forced to be part of a larger organisation because of a massive increase in fees, at least 300 per cent, without the short-term subsidy something like 1,300 per cent?

**Senator LUDWIG** (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:56): As I have indicated, the government has made available $6.5 million in transitional assistance, reducing Mr Puntiero's registration fee by approximately $6,500, and a similar rebate is available across those businesses for registration. My department is also in close consultation with individuals such as Mr Puntiero. I am advised that he already exports through a third-party establishment and does not export through his own packing shed. We always encourage people to look at alternative options to the full registration fee and the department is discussing those options, and they are available across small business. However, some requirements in the system are requirements export markets place on the export supply chain, so they are also expectations from overseas markets that we meet those supply chain requirements. (Time expired)

**World Wildlife Fund**

**Senator BOSWELL** (Queensland) (14:57): My question is to the Minister for Agriculture, Fisheries and Forestry, Senator Ludwig. I refer the minister to statements by the World Wildlife Fund International that it is focusing on companies such as processing companies, commodity traders, manufacturers, retailers and banks, insisting that they deal only with producers endorsed by WWF. Commodities involved include beef, bioenergy, cotton, dairy farm, fish and others. Given that complying with the WWF requirements inevitably means producers paying for an expensive sustainability accreditation and certification scheme plus regular audit, will the minister please outline what action the government is taking to directly assure Australian consumers and other customers for Australian primary
products that they are in fact produced sustainably, or has the government simply abdicated this responsibility to the money-making schemes of environmental non-government organisations such as WWF?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (14:58): I thank Senator Boswell for his question. He was very quiet there but if I do not get to all those issues I am happy to take them on notice and provide a further response. Can I say at the outset that the coalition more broadly seem to be out of step with many in business. There are seven Australian fisheries that have been certified by the Marine Stewardship Council. The question is why. It is because the participants in those fisheries have been certified by the Marine Stewardship Council. The question is why. It is because the participants in those fisheries see that there is a marketing advantage to having MSC certification. The same is true for the forward-looking retailers, manufacturers like Bunnings, Simmons Timber and Kimberly-Clark, who joined with the Uniting Church and Greenpeace to support legislation to stop the trade in illegally harvested timber products. The Gillard government is committed to supporting Australian farmers and fishers to adopt sustainable and innovative practices. To continue to do so, we will increase productivity, build a resilient landscape and respond to a change in climate. The government is working with primary producer sectors to ensure that our food and fibre is produced sustainably, whether it is land, soil or water use.

The Gillard government is working with the industry to ensure sustainability and profitable production, and there is a long list of Labor achievements to that effect: the development of R&D policy; support for the industry owned bodies who conduct R&D marketing functions; Landcare; the Carbon Farming Initiative; support for farmers, who are in many ways environmental managers, in times when they are facing their greatest stress, through the provision of drought assistance; and the development of Australia's first National Food Plan. Consumers and customers want to know that our products are produced sustainably, and demonstrating that food was produced sustainably—(Time expired)

Senator BOSWELL (Queensland) (15:00): Mr President, I have a supplementary question. Is the government aware of the continuing lobbying by the organisation Markets for Change, urging Japanese buyers not to purchase plywood flooring produced by Tasmanian company Ta Ann Australia, and the loss of sales this has caused? Will the government send an appropriate trade representative to reassure Ta Ann's Japanese customers of the sustainability of Ta Ann's Tasmanian sourced products and so protect Australian jobs?

Senator LUDWIG (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:01): I thank Senator Boswell for his first supplementary question. I say at the outset that the Australian government already has this year made representations to Ta Ann customers in Japan. The Australian Embassy in Tokyo hosted the presentation to Japanese customers of Ta Ann Tasmania on 25 January 2013 to that effect. Representatives from the Australian Conservation Foundation and the Wilderness Society of Tasmania attended that embassy briefing to personally deliver their message of support for the signatories agreement and the Tasmanian forest industry.

Understandably, those relying on Ta Ann for their livelihoods are concerned about their future, particularly given that two small
groups and Markets for Change continue to challenge market acceptance of Tasmanian wood products that national environmental groups are endorsing. Across the government, the environment minister, Minister Burke, my parliamentary secretary, Mr Sid Sidebottom, Minister Crean and—(Time expired)

Senator Boswell (Queensland) (15:02): Mr President, I ask a further supplementary question. I refer the minister to the fact that former Greens federal leader Bob Brown has joined the board and Peg Putt, former Tasmanian Greens leader, has been appointed CEO of Markets for Change. Given the government's reliance on parliamentary support from the Greens, what reassurance will the minister give Australian timber workers that the government will hold Markets for Change to account for ongoing job-destroying actions against customers for Australian timber products?

Senator Ludwig (Queensland—Minister for Agriculture, Fisheries and Forestry and Minister Assisting on Queensland Floods Recovery) (15:02): I thank Senator Boswell for his second supplementary question. I know he has a longstanding interest in the activities of Bob Brown and Peg Putt. As outlined in my previous answer, the government is working with the industry and with our embassy staff to correct the record.

What we see from the opposition in part is an all care and no responsibility approach to these matters. We have been working very hard, in consultation with Ta Ann in Tasmania and in consultation with the industry, to ensure appropriate and factual information is provided to the global marketplace. We are supporting efforts to develop a lasting solution to the divisive debate that goes on in Tasmania, which those opposite have failed to come on board and find a complete solution to. You have abandoned the industry. That is what you have done. (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Media

Senator Brandis (Queensland—Deputy Leader of the Opposition in the Senate) (15:04): I move:

That the Senate take note of the answers given by the Minister for Broadband, Communications and the Digital Economy (Senator Conroy) to questions without notice asked by Senators Sinodinos and Birmingham today relating to proposed media legislation.

Yesterday morning, the Sydney Daily Telegraph—a famous and very popular Australian newspaper—published what will, no doubt, be one of the great front pages in the history of Australian journalism. It compared Senator Stephen Conroy to six odious dictators—one of them, Joseph Stalin. This morning, on page 2, the Sydney Daily Telegraph published an apology, not to Senator Stephen Conroy but to Joseph Stalin, because, as the scribe who wrote that apology pointed out, at least when Stalin sought to muzzle the media, he was not so two-faced, hypocritical and mealy-mouth as to pretend to believe in freedom of the press—but such was the performance of Senator Stephen Conroy in question time both yesterday and today.

Madam Acting Deputy President, you might think that what the editorial writers of the Sydney Daily Telegraph essayed yesterday and today was a piece of frivolous fun, unless you were to actually study the Finkelstein report, which is the fons et origo of what the government proposes to do to the Australian media. If one turns to page 46 of the Finkelstein report this is what we read:
... the intellectual climate of the 20th century was radically different from that of the 17th and 18th centuries when Libertarian ideals flourished. The new intellectual climate placed higher store in collectivist ... values and less on individualistic values.

Mr Finkelstein went on to express the view in the balance of chapter 2 of his report that the 'new intellectual climate', which favours collectivist values over individualist values was the way of the future and ought to be providing the intellectual grounding of the model for press regulation, which his appalling report recommended and which this government has, at least in part, adopted. I might be old-fashioned, but I believe in the old intellectual climate which favoured libertarian and liberal intellectual values rather than the collectivist values of which Mr Finkelstein and the Labor Party are so enamoured. In being enamoured of those collectivist values of the 'new intellectual climate' enamoured by Mr Finkelstein, the Labor Party shares company with Stalin and with all of the odious dictators and the odious customers who disfigured the 20th century with their collectivist values. Yet here we have an Australian government in the early days of the 21st century embracing as its model for the regulation of the Australian media a collectivist notion, a collectivist philosophy.

As my friend Senator Birmingham pointed out yesterday, this will be the first time that an Australian peacetime government sought to regulate the content of the newsprint media since Governor Darling sought to license newspapers in the colony of New South Wales in 1827.

Senator Wong interjecting—

Senator BRANDIS: Senator Penny Wong, I know you have a bit of a taste for authoritarianism yourself—you would not be a member of the left wing of the Australian Labor Party if you did not—but let me say that the way to deal with the press is to begin and end by respecting its freedom: its freedom to criticise, its freedom to condemn, its freedom to ridicule both government and opposition. Frankly, Senator Penny Wong, if people on my side could put up with the ABC and the Fairfax press then people on your side ought to be able to put up with the occasional jibe from the News Limited press. But you cannot, because one of the fundamental philosophical differences between my side of politics and Senator Stephen Conroy's side of politics is we understand that in a robust democracy you have to be able to take it on the chin and respect the freedom of others. (Time expired)

Senator MARK BISHOP (Western Australia) (15:09): We have just had a brief tirade—

Senator Brandis: That was not a tirade; that was a discourse.

Senator MARK BISHOP: No, it was a tirade, not a discourse. It was not a learned discourse. It was not any sort of discourse. It was a tirade which is accurately described as an example of the original straw man. Senator Brandis commenced with a flourish when referring to yesterday's paper depicting six odious dictators, and then he did a quantum leap in logic and runs to some obscure quote running to three lines from a 400-page report addressing the issues of collectivism and individualism as philosophical movements. On those two legs of a stool he manufactured his argument to say that, somehow or other, the proposition advanced by Senator Conroy on behalf of the government is on par with all the activities undertaken by those six men featured on the pages of the Daily Telegraph yesterday.

Let us say at the outset, from the perspective of the Australian Labor Party and the perspective of the government, that
where freedom of the press is concerned, where freedom to speak and freedom of individuality are recognised, we stand 100 per cent behind those principles and those commitments. We always have and we always will. But we also say that there is another set of important matters that the government will bring to this chamber in due course for discussion and debate. They are also values along with collectivism, individualism and privacy. Those additional values are privacy, fairness, accuracy and diversity—diversity of voice, diversity of choice. They are things that are important in any intelligent, reasoned debate and in any matter that needs discussion and progress, particularly in this chamber but also in the wider community around Australia.

We say at the outset that we accept and are proud to accept matters addressing freedom of choice, the spread of discussion, matters of knowledge and issues going to communication. We do not in any way think that they should be restricted, whether they be on the internet, in the media or in social media platforms. Along with that, in this modern age citizens, companies, individuals, those engaged in public discourse and those who have responsibilities in a public sense also have a right to privacy, to fairness of reporting, to accuracy of reporting and, as is always happening in the media market, to different perspectives and different viewpoints that come from diversity of voice and diversity of choice.

In fact, it is a burgeoning market. What is happening in social media—in Facebook, in Twitter and in all of the other platforms that have taken over the world in the last five to 10 years—is something we think is a good thing. It is a democratisation of choice, a spread of information and a disclosure of knowledge. None of that impacts upon the proprietors of newspapers in this country, who are outraged as their market share shifts, as the volume of papers they sell declines, as the cash flows that established their companies decline, as their margins are compressed and as they engage in cost-cutting on a scale unprecedented in the media industry in this country. Their market share has declined and they can no longer afford to vest necessary capital or pay cash cost going to wages because we already have the spread of knowledge; the information is widely dispersed in the community.

That is why the proposition that Senator Conroy took to cabinet on Tuesday morning, that will come to this chamber in due course, addresses those sorts of principles in the modern age and in a modern context. Those principles, as I said, go to matters of privacy, fairness, accuracy and diversity. You could not ask for a more modern and up-to-date—

(Time expired)

Senator McKENZIE (Victoria) (15:14): I also rise to take note of answers to questions to Senator Conroy from Senators Sinodinos and Birmingham. Freedom of speech and the press are bedrocks, values of our free and democratic society. The minister has been clear in his condescension and contempt. Even today, owners of media are not happy. Yesterday we had Senator Conroy regaling the Senate with the amount of talks that have been had right around the country and the amount of submissions to the Convergence Review and the Finkelstein review. Senator Conroy was talking a lot yesterday and again today about the missing voices. One of the missing voices, if we read the *Adelaide Advertiser*, is Kim Williams. He says, and I quote, 'Not a single senior newspaper executive or industry representative has had a meaningful consultation with the government' over these particular reforms. I think that is of particular concern, especially when we are talking about the amount of people employed in this industry and the changes being purported.
Senator Conroy also has contempt for regional Australians. Senator Bishop was speaking about diversity of choice, but diversity of choice in media consumption in the regional areas is not at the same level as it is in urban areas. We have 12,200 people employed in regional media, telling our stories, our news and reporting on our sport and our natural disasters and emergencies. This represents not only important information that we need to have at a local and regional level; it also provides a point of critique. These media providers at the local level are also a key aspect of skill expertise within our local communities. Any moves within this legislation to restrict the content, to reduce the diversity of voices available around media in regional areas is of severe concern to the National Party.

Senator Conroy also has contempt for journalists. I just adored this piece from Miranda Devine today, headed 'Is there anything this government will not tamper with?' It said:

In its mistaken belief that more legislation equals good government we are witnessing one of the most frenetic and interventionist administrations our country has ever endured.

And of the laws that have been rushed through:

This bastard child born of revenge and hubris is a threat to free speech and democracy.

That is from the journalists. Senator Conroy also has contempt for cabinet. Senator Sinodinos has prosecuted that very successfully in terms of what cabinet knew and when, in terms of making significant decisions around what can be said and how in our country—his caucus, tick and flick, and his contempt for the Senate. Today the Senate is given four days to examine six pieces of legislation, 133 pages of new regulation. It has been referred to the Senate Environment and Communications Committee—four days to give that a going over. Whilst the minister might spruik the amount of consultation he has gone through before he made a decision, that is one thing. But to give all of Australia, represented here in the Senate, the chance to examine the legislation and the impact it will have on their communities—it is just not good enough.

Minister Conroy today in his answer spoke of conspiracy theories, but the only paranoia is completely in his head, as evidenced by his approach. This is the first direct government intervention in peacetime into what gets printed, said and spoken in peacetime. I did not know we were at war but, according to Senator Conroy, we are at war, because words matter. He does not like what is being said, he does not like what is being shown but that is the price of freedom. You cannot legislate for people to be nice. We should not be legislating journalists to be sanctioned by government and I, like so many Australians right throughout our great country, do not want a government telling me what is in my personal interest.

Senator SINGH (Tasmania) (15:20): I also rise to take note of answers given by Senator Conroy to questions from Senator Sinodinos and Senator Birmingham. I would like to point to remarks that Senator McKenzie has just made in relation to local content. I know that she is a supporter of local content and I would hope that, when she is talking about the new media reforms that Senator Conroy was answering questions about, she would be aware that in fact what these reforms entail is more Australian content on TV. It is actually Labor that wants more Australian content—not less but more. On the issue of PIMA, the public interest media advocate, that is not something that is new just to Australia. The US has had a public interest test under its communications act for almost 80 years. This is not some kind of new thing that only
Australia is going to be restricted by some kind of public interest test—it is to the contrary.

I cannot quite understand where the coalition is coming from with any of this, other than to just drum up the usual fear and the usual frenzy that they like to get into. They like to get a headline and they like to get some kind of political point-scoring in this whole policy area. I think if we actually look at what is on the table here, there are some really sensible policy reforms for the media for the 21st century. I note that Senator Brandis admitted that he is old-fashioned. I am pleased he admitted he is old-fashioned because, in saying so, he acknowledges that he is not perhaps up with the 21st century way of communicating through various forms of media platforms.

We do have social media. It is an incredibly growing, highly used form of communication, not only for young people but also for members of parliament, for us as senators. There is a whole range of media, a whole range of NGOs, business—you name it—who are using social media. So, he may be old fashioned but he is just going to have to get with the times and realise that this is 2013. This is the way we communicate. Therefore, the ABC's charter and SBS's charter will need to be updated to include those kinds of online platform to the way they communicate because at the moment their charters do not reflect that. That is because they were written at a time when such online platforms did not exist. But they do exist now and therefore we need to do something about that. That is what these reforms do. They are good things.

I know the coalition talks about freedom of speech, and Senator Brandis was talking about being a libertarian and having libertarian values. I think it is a bit late for Senator Brandis to claim himself as a libertarian when he has certainly shown himself to be more of a conservative, very much so, than that. But he talks about free speech. We are all for free speech. No-one here is denying free speech. Free speech has been a mainstay of Labor. We in fact were the government that introduced the most significant pro-disclosure forms in the Freedom of Information Act. Since its commencement some decade ago we have removed the application fees, which the coalition used in government to discourage freedom of information to the press; we have introduced free decision making time for journalists to promote openness and transparency. Freedom of speech: we have runs on the board in this area. The coalition's 'freedom of speech' posturing is simply whipping up a frenzy, trying to turn the reforms that we have in front of us into some kind of political point scoring rather than looking at the detail.

Talking of detail, I am pleased that Senator Brandis brought the Finkelstein report into the Senate and looked as though he was referring to it, or reading from it, even though I know he does not like any part of it. He may have actually learned something through that process. We have been quite clear that we have not adopted all of the Finkelstein report's recommendations. We rejected the recommendation that called for direct government setting of press standards. We rejected that outright. That was the dividing line, I suppose, between government control and industry self-regulation, and that is why you have a really good set of reforms on the table that the coalition needs to get its head around and read before politically point scoring every single detail.

Senator SMITH (Western Australia) (15:25): I rise to take note of answers given by Senator Conroy to questions asked by Senators Sinodinos, Birmingham and Mason.
To those people who might be listening from the gallery or reading the *Hansard* at another time, if you read nothing else in the *Hansard* of the Senate today and nothing else in the Senate *Hansard* for the rest of the year, then I absolutely implore you to read the comments of my colleague Senator Brandis, who very persuasively lifted the veil of the flawed intellectual foundation of this government's media reforms. I also congratulate Senator McKenzie for her very articulate representation of why regional people, particularly those in Victoria and Western Australia, should be concerned about these particular reforms.

We heard from Senator Conroy earlier that you cannot believe everything you read in the *Daily Telegraph*. I say you cannot believe anything you hear from this government. Indeed, if the government does get its way with these reforms, you most definitely will not be able to say anything or write anything. These reforms are treacherous, absolutely. Who would have thought that the year 1984 would equal the year 2013? Who would have thought that the fictional character Comrade Napoleon would in fact be a real life Australian Labor parliamentarian by the name of Senator Stephen Conroy? It is not good enough to have the unions advocating for this government; they now want to silence and sideline media outlets for their scrutiny of this government's poor performance. It is worth remembering what Orwell in 1984 was prophesising. In his view of things, totalitarianism was not merely a theoretical threat from a fictional future. The urgency of 1984 and of much of Orwell's wartime and postwar writing springs clearly from his sense that totalitarianism was already proving dangerously attractive to many on the Left, not least intellectuals. I would not go so far, Senator McKenzie, as to suggest that this government was intelligent but this is a very, very timely warning.

The Labor government's proposal to establish the Orwellian type of public interest media advocate will begin and end its life as a government advocate dressed up as an advocate for the public interest. We all know it will be an advocate for the government's interests and no-one else. We have been told that this new statutory body that Labor proposes to establish will not be a regulator, but these are the facts: the public interest media advocate will accredit media complaint processes as well as assess proposals for media acquisitions and mergers against a vaguely defined public interest test. It is going to regulate and oversee the process of media complaints. It is very clear that it is a new regulator. It is very clear that it will be appointed by the government of the day, could be removed by the government of the day, and could, in typical Labor style, be a mate of the government of the day. We know there will be no shortage of disgraced Labor Party candidates and union officials to take the job of the Public Interest Media Advocate.

When the Independent, Mr Rob Oakeshott, the Independent, Mr Wilkie, and the Greens have all been scathing about Labor's proposal, you have to say that there must be something in this. When the Independents and the Greens are opposed to this proposal, you know you have to pay more attention to what is a rare moment of good thinking on the part of the Independents and the Greens. The comments of my colleague Senator Birmingham yesterday reminded me of the other Orwellian masterpiece, *Animal Farm*. Senator Birmingham said yesterday, with great accuracy, that in the end this will be a dog of the government and the government will tell it how and when to bark.
Let us be clear: there is no demonstrated case for this proposal. The current regulatory arrangements do work and have worked well. More importantly, on the issue of diversity, I reinforce the comments of the very, very able member for Wentworth, who said that the media in this country have never been more diverse. I would add, as others have, that this government has of course never been more unpopular. What this country needs is more freedom, less regulation and, particularly, greater freedom of expression. (Time expired)

Question agreed to.

**International Development Assistance**

Senator RHIANNON (New South Wales) (15:30): 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 the Leader of the Australian Greens (Senator Milne) today relating to overseas aid.

We heard some worrying responses from Senator Carr to a very clear question put by Senator Christine Milne about Australia's foreign aid program. It has certainly added fuel to growing concerns that Labor and the coalition parties are seeing the aid budget as easy fodder when it comes to looking for cuts. A very clear question was put about the all-important 0.7 per cent of GNI going to our foreign aid program, and, while the minister said that, yes, they supported 0.7 per cent, what is the point in saying that when you refuse to give a year by which we are aiming to achieve that? That was deeply troubling.

It is also surprising, considering that today—and Senator Carr is well aware of it—there are more than 1,000 young people here working very hard to bring a message to all parliamentarians in this place about the importance of foreign aid and the importance of increasing the aid budget. I do very warmly congratulate the Movement to End Poverty and the Oaktree Foundation for the fantastic work that they have been doing here, the road trips that they have engaged in and the work that they have done with communities across Australia in bringing awareness about this important issue. It is disturbing how slow we are in moving towards a 0.7 per cent target for our overseas aid program—or even a 0.5 per cent target.

It is just worth reminding ourselves of how slow it is, and that is certainly what I picked up today in talking to many of those Oaktree ambassadors and why they are so passionate about it, because the target was actually set in 1970 by the United Nations. It took 30 years before Australia signed on to the 0.7 per cent target. That was under former Prime Minister John Howard. And meanwhile we have dragged the chain, and right now you could come to the conclusion that things are going backwards, whereas we have seen other countries—many of them with serious economic problems, and certainly economic problems that Australia is not facing—who are stepping up to the plate: Ireland and Britain, for example, are committing to how they will get to the 0.7 per cent, and already Norway, Sweden, Denmark and the Netherlands have met that target, several years ago. So Australia is really down in the bottom third of the OECD countries on this all-important issue.

At the 2010 election, both Labor and the coalition had a commitment to increase aid to 0.5 per cent of GNI by 2015. But now what we see is a retreat from that commitment. In November 2011 all senators in this place signed on to and voted for a motion put by me about committing to 0.5 per cent by 2015 and how important that is to alleviating poverty and assisting people in low-income countries. It is so important. We got that through in November 2011—but, again, have been backtracking since then.
Now the coalition has removed the timetable from its commitment altogether, which is very worrying. Labor has pushed out its commitment to increase aid to 0.5 per cent by one year. So, again, it brings us a reminder that surely, with all of these people here working so hard, we should be doing the right thing.

Another part of the question that Senator Milne put to Senator Bob Carr concerns the issue of Australia's programs with regard to climate change action overseas. There has been a real muddying of the waters here, with the government apparently doing the right thing with some programs but actually robbing money from the aid budget to fund climate change programs. These climate change programs are needed, but it should have been quarantined from the foreign aid budget. It needs to be fully transparent and very open about what programs are being funded; they should have been quarantined from the foreign aid budget. The government needs to be fully transparent and very open about what programs are being funded and where they are being funded from.

There is a very important organisation called the alliance of small island developing states—AOSIS, as it is known. It is a non-government organisation of low-lying atolls and coastal countries. They are working hard on the global warming issue. Yes, Australia should be giving them support. We clearly have a responsibility there. But it should not be coming out of our aid budget, and this is something that Christine Milne has taken up very strongly. She has said how they should be separating out climate finance faster and long-term from the aid budget because what Australia has done is to put the aid budget and climate finance together, and so Australian people are told constantly that we are doing the right thing with climate funding plus the increase in the aid budget. But actually, if you separate them out, you will see that we are not. So we have a real problem there and this needs to be addressed.

(Time expired)

Question agreed to.

COMMITTEES

Economics Legislation Committee

Government Response to Report

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (15:36): I present the government's response to the report of the Economics Legislation Committee on its examination on annual reports, No. 2 of 2011, and seek leave to have the document incorporated in Hansard.

Leave granted.

The document read as follows—

GOVERNMENT RESPONSE TO THE SENATE ECONOMICS LEGISLATION COMMITTEE REPORT ANNUAL REPORTS (No. 2 of 2011) NOVEMBER 2012 RESPONSE TO RECOMMENDATIONS OF THE SENATE ECONOMICS LEGISLATION COMMITTEE REPORT ANNUAL REPORTS (No. 2 OF 2011) Recommendation 1 The committee recommends that the government, in consultation with the Joint Committee of Public Accounts and Audit, amend the annual reporting requirements for government entities to include for the provision of a register of compliance with Senate Orders in each annual report.

Response

Not agreed. While agencies should endeavour to meet all requirements of Senate Orders, the Government considers that the question whether or not an agency has complied with a Senate Order is primarily a matter for the Senate and that monitoring compliance would best be undertaken by the Department of the Senate. In addition, the
need for agencies to establish systems to monitor compliance with Senate Orders throughout the year would impose an additional and unnecessary burden on agencies.

**Recommendation 2**

The committee notes that while the ARC mentioned the strongest performing fields (under the *Discovery Projects* scheme, Agricultural, Veterinary and Environmental Sciences, Earth Sciences and Physical Sciences), it did not mention the weaker areas of research or the broad field that did not meet international benchmarks. In the future, the inclusion of the weaker performing areas would be useful as it would provide guidance for future improvements and the possible allocation of funding and/or resources.

**Response**

The ARC accepts this recommendation.

It should be noted that the recommendation refers to the results of a bibliometric study that is not conducted annually and that, therefore, this data will not be reported in every ARC annual report. The ARC will ensure that reporting on the results of any future bibliometric studies is balanced.

The recommendation refers specifically to information published in the Australian Research Council Annual Report 2009–10 about the relative citation impact of journal articles that resulted from ARC-funded research and were published between 2001 and 2005. The broad field in which the relative citation impact was below the world benchmark was Information, Computing and Communication Science. It should be noted that in this field, refereed conference proceedings rather than journal articles are the predominant research outputs; therefore the data in this study does not provide a complete view of the impact of the outputs of ARC-funded research.

Among the more specific subfields of research, the relative citation impact of journal publications arising from ARC-funded research (across all schemes) was relatively the weakest in Statistics, Nanoscience and Technology, and Atmospheric Sciences.

The findings of the study, *ARC-supported research: the impact of journal publication 2001–05* by Bev Biglia and Linda Butler of the Research Evaluation and Policy Project at The Australian National University, were released in October 2009 and are available on the ARC website at www.arc.gov.au/general/arc_publications.

**Recommendation 3**

This committee recommends that Innovation table their grants as an appendix and take care to comply with the *Industry Research and Development Act 1986*.

**Response**

Innovation Australia accepts this recommendation.

Information on agreements entered into for programs subject to the *Industry Research and Development Act 1986* (the Act) is contained in the appendices in the Innovation Australia Annual Report. This information is also available at www.innovation.gov.au.

Appendices for relevant programs include a list of all companies (researchers) paid during the year and the amount paid, in compliance with sub-paragraphs 46(2)(c)(i) and (ii) of the Act (see for example Table K4, Appendix K of the Innovation Australia Annual Report 2009-10 for a breakdown of Climate Ready program grant payments by company 2009-10).

**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**

**Broadcasting Legislation Committee**

**Environment and Communications Legislation Committee**

**Membership**

The ACTING DEPUTY PRESIDENT (Senator Stephens) (15:37): Order! The President has received letters from party
leaders requesting changes in the membership of committees.

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary to the Prime Minister) (15:37): by leave—I move:

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

**Broadcasting Legislation—Joint Select Committee**—
Appointed—Senators Birmingham, Cameron, Joyce, Ludlam and Thistlethwaite

**Environment and Communications Legislation Committee**—
Appointed—
Substitute members:

Senator Ludlam to replace Senator Waters for the committee’s inquiry into the Broadcasting Services Amendment (Material of Local Significance) Bill 2013 and the delivery of news coverage in rural and regional areas by the Australian Broadcasting Corporation

Senator Ludlam to replace Senator Waters for the committee’s inquiry into the provisions of the Television Licence Fees Amendment Bill 2013 and related bills

Participating member: Senator Waters.

Question agreed to.

**BILLS**

**Courts and Tribunals Legislation Amendment (Administration) Bill 2012**

Assent

Message from the Governor-General reported informing the Senate of assent to the bill.

*(Quorum formed)*

**MOTIONS**

**Free Speech**

Senator BIRMINGHAM (South Australia) (15:41): I move:

That the Senate notes Labor’s relentless attacks on free speech.

I begin this debate on the coalition’s motion on free speech by reflecting on the fact that we have a government in Australia at present with many addictions. The Labor Party have many, many addictions indeed. The modern Labor Party and, in particular, the Rudd and Gillard—and possibly Rudd again—governments are addicted to wasteful spending. They are addicted to new taxes. Labor are addicted to telling, it seems, outright lies to the electorate. They are addicted to running deficit budgets. Labor are addicted to racking up huge debts. Labor are addicted to attacking freedoms of speech.

We have seen these attacks on freedom of speech mount and increase in their ferocity during the life of the government as they have become more and more concerned with criticism of themselves. What is remarkable is that amongst the leaders in the attack on free speech and a free media by the government is none other than the Minister for Broadband, Communications and the Digital Economy, Senator Conroy. One would have thought that, in a sensible government, the minister for communications should be the champion of a free media, the person who seeks to ensure we have the greatest, most competitive, most diverse but most free media possible. Yet, under this government’s watch, Australia’s ranking by Reporters Without Borders in their Press Freedom Index has dropped significantly. Australia has dropped from being the 18th most free country in the world for media freedoms in 2010 to the 26th. Lord only knows how much further we will fall if
this government gets its way with further media reforms.

Of course, it is not just in relation to the media that this government has a track record of failing when it comes to free speech. We saw it as well during the debate on its draft anti-discrimination legislation. That legislation would have a draconian impact on the right of everyday Australians to engage in the type of criticism and commentary they should be free to engage in.

The mark of free speech is whether you defend it and whether you stand up for it when you do not like what people are saying—whether you defend somebody's right to speak when you disagree with them. That is the mark of a champion of free speech. That is not the mark of the minister for communications, Senator Conroy. When he and his policies in his portfolio have been under attack, he has gone on a personal attack against the media outlets, media proprietors and journalists who have been engaged in any criticisms of his policies, his conduct or the conduct of the government.

Those are the moments when a good communications minister—somebody who genuinely believes in free speech or a free media—would have stood up and said: 'I may disagree with what they are writing, but I defend their right to keep writing it. I may disagree with what they are publishing, broadcasting or saying about me, but I defend their right to keep doing so.' Senator Conroy has done no such thing. Senator Conroy, in fact, seems to have undergone some sort of miraculous conversion during his deliberations on media reform. He once acknowledged that there were, in fact, increasing voices in the modern media landscape. He acknowledged that we were seeing increased opportunity for more people to have their say in what is happening around the world and to influence it in more ways than ever before. Yet now he claims we face a threat to diversity. Senator Conroy once highlighted the rise of new media platforms and all the available opportunities on the internet for people to avail themselves of in ways of communicating to others and criticising, analysing and assessing traditional media content. Yet now, rather than recognising that the media landscape is completely changing and altering because of the rise of those new media platforms, he is completely distracted with how to regulate media content.

Media reform, when it was first discussed by this government a couple of years ago, was welcomed as a chance to modernise regulatory frameworks. Back in 2010, Senator Conroy said that the Convergence Review would take 'a fresh look at Australia's existing regulatory frameworks with a view to modernising them'. Instead, in the legislation—the six bills presented to the parliament today and the more than 130 pages of legislation that has been dropped on the table—we do not see any effort at modernising media regulation from this government; we simply see new layers of bureaucracy and attempts to regulate the media—in ways that have never before been attempted in peacetime Australian history.

So what changed since Senator Conroy first started his media reform process back in 2010? The answer, of course, is simple: the hate media. That is what Senator Conroy and those opposite have dubbed it: the hate media. It started out being perhaps just one or two News Ltd publications, but it has spread since then into the views of the Financial Review in the Fairfax stable and concerns about anybody who dares to criticise the policies and failures of this government.
Labor's reforms which they now propose to the media have been drafted purely and simply to meet their desire for revenge against their perceived enemies in the fourth estate rather than tackling the many regulatory issues facing our changing media landscape. This is far more than a package of reforms in media. This is far more about vengeance than it is about vision. Egged on by their friends in the Australian Greens, the Labor Party sidetracked the Convergence Review, which was established to take a sweeping analysis of media regulation, with the establishment, out of the blue, of the Finkelstein report, which looked specifically at news media content and how that was regulated. This was not part of the original plan, but Senator Conroy, in cahoots with the then Greens leader, Senator Bob Brown, suddenly established a second report—a report that seriously derailed this process of media reform. Instead of streamlining media regulation, Senator Conroy now proposes to subject both media ownership decisions and media complaints-handling processes to oversight by the rather Orwellian-sounding Public Interest Media Advocate.

This is by no means a reform driven by the public interest; it is a reform driven by the government's interest—by the Labor Party's interests—first and foremost. This new bureaucracy—the Public Interest Media Advocate—will be headed by a hand-picked government-appointed regulator who will assess who can own media outlets and who will influence what can be said by media outlets. This is a clear threat to the freedom of the media and to the operation of a free press and it is a threat unprecedented in modern Australian history.

As I highlighted yesterday in question time, not since 1827—when Governor Darling in New South Wales proposed legislation to establish a licence system for newspapers, providing for the forfeiture of such licence upon any conviction for any blasphemous or seditious libel, and conferring upon himself as Governor an unconfined discretion to revoke a newspaper licence—have we seen a government in Australia attempt to regulate and license the existence of newspapers. Senator Conroy's reforms are a very clear step in the path towards such a licensing regime. His reforms, in establishing this Public Interest Media Advocate, will see organisations like the Press Council subjected to scrutiny—and an unclear level of scrutiny, because the types of reforms being talked about by this government are at best vague, and vague reforms can lead to enormous powers for new regulators.

We now know from the detail of the legislation that the assurances we get from the Prime Minister and from Senator Conroy about this reform process are not worth a scrap. These assurances cannot be trusted any more than the Prime Minister's promises about not having a carbon tax could be trusted. The Prime Minister and Senator Conroy said yesterday that the opposition of the day would be consulted over the appointment of the advocate. Yet that is not contained or required in any of the proposed legislation. Senator Conroy says he cannot imagine that a former member of parliament would be appointed to the position of advocate. Yet, unlike appointments he made to the ABC board, there is no requirement in this legislation that would prevent a former member of parliament being appointed to this position. This will simply be a regulator who can be appointed by the government of the day, who can be dismissed by the government of the day and therefore who can be influenced by the government of the day, who will have the power to influence media-complaints-handling processes, as well as of course media acquisitions or purchases.
These regulatory ambitions have been promoted with quite a degree of rhetorical flourish by many of Senator Conroy's colleagues. The member for Bendigo, Mr Gibbons, when he was not on Twitter, called for reforms to 'bring dodgy media outlets to heel', while his colleague Mr Murphy described certain media outlets as 'a cancer on our democracy'. Mr Perrett just yesterday, reflecting on the reforms that were proposed, said, 'You can't have unchecked freedom.'

We do not have unchecked freedom; we have some of the world's toughest defamation laws. We have some of the world's toughest restrictions to ensure that there is a right for citizens who believe they have been wronged by the media to address those wrongs. But we should have unchecked freedom when it comes to the right of the media to criticise governments, oppositions and the workings of this place. That is at the centre of any effective democracy. Far from Mr Murphy's claim that certain media outlets are a cancer on our democracy, it is these reforms that pose the greatest threat to our democracy.

The reality of course is markedly different from the tainted perceptions of those opposite. In our rapidly-changing media landscape the number of voices that can be heard or opinions that can be expressed have risen daily. Even the ABC managing director, Mr Mark Scott, has argued:

Now, there are multiple players: anyone with a mobile phone, laptop or camcorder can be a broadcaster.

Similarly, anyone with a keyboard and internet connection can be a publisher. Increasingly, we see across the internet new and existing media outlets of all sizes operating as both publisher and broadcaster, and citizens from around the world not just acting perhaps as publisher or broadcaster themselves, through blogs, tweets and the like, but also acting very importantly as media critics, watchdogs and guards on the internet and on the media themselves. Senator Conroy's 'fewer voices' arguments simply do not stack up.

While the case for a government appointed regulator, administering what will be a very subjective and vague public interest test over media ownership, is weak, the risks of this proposed regulation of media ownership are quite profound. This is an interventionist approach and, like any new form of government regulation and any such intervention, it does risk stymieing investment in the media sector. This is an increasingly globalised sector and is a very dynamic sector and, if government regulation in Australia holds up the type of change in reform in this sector, we will most likely see more Australian eyeballs shift to internationally sourced content, to the detriment of an Australian media industry that is already shedding thousands of jobs.

Senator Conroy wants his same government appointed regulator to also accredit media-complaints-handling procedures. While this may be one step removed from the highly interventionist News Media Council, recommended by the Finkelstein report, the words of that report still ring true, where it said:

... whatever mechanism is chosen to ensure accountability speech will be restricted ... that is the purpose of the mechanism ...

This quote has been put to Senator Conroy in recent days and he has not denied it, not refuted it. Mr Finkelstein was at least honest in his ambitions and honest in the recognition that any reform to media laws and any new mechanism to restrict or regulate or manage in any way the Australian media would be a restriction on speech, because that is the very purpose of the mechanism. It is just amazing to hear Senator Conroy come into this place and proclaim: 'No, no, you're all prophets of
doom—no, it’s not actually happening, it won’t have any effect and in fact it won’t make a single change to the existing self-regulatory arrangements.’ There is nothing in the proposed legislation that guarantees that. There is nothing that makes certain that this regulator will not recommend, request or enforce changes to existing self-regulatory arrangements. There is a very real risk that it will have an impact there. The alternative is that it is a toothless tiger, and then what is the point of these reforms? If Senator Conroy is to be believed that it will have no impact whatsoever, what is the point of going down this path? The point is that the government knows and Senator Conroy knows it will have an impact and it will be the first step of what this government hopes will be many towards greater regulation of the media.

Former Labor Premier Steve Bracks knows what accountability mechanism for the media works best. He recently wrote, ‘Consumer driven feedback, in particular through social media, has arguably become far more effective in influencing media behaviour than any belated actions by the regulator.’ This is a salient point and one that everyone interested in this debate should reflect upon. The growth in digital and online media has not only spawned countless new sources of news, entertainment and information but generated even more empowered critics of media content regardless of its platform or medium.

When the media do wrong nowadays, the public hold them to account far better than any regulator does. That is where we should be placing our faith. We should place our faith in the public. We should back free speech and a free media to the hilt. We should put some vision behind media reforms rather than the vengeful approach of those opposite who simply target those who report that which they do not wish to hear.

**Senator BILYK** (Tasmania) (16:01): I am not really surprised that the opposition have come into this place and engaged in the kind of hysteria they have over the issue of media reforms. It is the same kind of Henny Penny—’The sky is falling!’—attitude that they take to every other issue. It is hysteria from an opposition that claimed that Australia would go into recession, that we would kill the mining boom and that Whyalla would be wiped off the map. Now they have the audacity to bring forward a motion that says:

That the Senate notes Labor’s relentless attacks on free speech.

How can we be expected to have a reasoned debate with hysterical claims like that? How can we be expected to have a reasoned debate with papers like the *Daily Telegraph* comparing the Minister for Broadband, Communications and the Digital Economy, Senator Conroy, to Chairman Mao, Joseph Stalin and Robert Mugabe? Given the hysteria that this has been met with, anyone would think that the government was planning to censor the media in the manner of Frank Bainimarama or that we were proposing some kind of Syrian style police state.

If we are going to have a reasoned debate, perhaps we should recognise a few facts that even the opposition would not disagree with, such as the fact that there has never been a right to unfettered free speech in Australia and nor should there be. Even those opposite would agree with that. We have defamation laws that stop unwarranted attacks against the reputation or character of other persons. We have laws under the Trade Practices Act which stop corporations making misleading or deceptive claims in their advertising. We have laws which stop people from revealing the names of minors involved in criminal court matters. Even in the United States, where the right to free speech is protected
under their constitution, there are rules around what people can and cannot say, just as there are in any liberal Western democracy.

Along with the rights to free speech, there are responsibilities. Where could these responsibilities be more important than when it comes to the media? The print, online and broadcast media are the most powerful instruments for influencing public opinion in Australia, and the community therefore rightly expects certain standards of the media. They expect that the media will respect their privacy, report with fairness and accuracy, and provide a diversity of voices. Freedom of the press is the cornerstone of our democracy, but it is too much for the Australian public to expect that the media, in addition to having the freedom to report, will report with accuracy and not attempt to mislead the public.

It should be pointed out to the opposition that the government's media reform proposals were informed by two independent reviews: the independent media inquiry led by Mr Ray Finkelstein QC and the Convergence Review. Mr John Hartigan of News Ltd said in evidence to the Finkelstein inquiry that there was no need for regulation of the news media and that any suggestion of bias by News Ltd against the government was an insult to readers who are capable of making up their own minds. But here is what Mr Finkelstein had to say in his report about Mr Hartigan's claims. He said:

Often, however, readers are not in a position to make an appropriately informed judgment. They expect news stories they read to be accurate. Usually only the authors/publishers, and the subjects of the story, know the extent to which a story lives up to that expectation.

Mr Finkelstein presented a wide range of evidence, including opinion polls and studies into the conduct of the media, to demonstrate that the media does not live up to community expectations. For example, Professor Robert Manne from the Australian Centre for Independent Journalism examined articles in the Australian on climate change and found that the articles unfavourable to action on climate change outnumbered favourable articles by a ratio of four to one. A report by Victoria's Office of Police Integrity into a media campaign against the former Chief Commissioner of Police Simon Overland, while focused on the conduct of police officer Tristan Weston, also found that the media's role in the affair warranted investigation. In his report into corruption in Queensland, Mr Tony Fitzgerald QC commented that the media are able to be used by politicians, police officers and other public officials who wish to put out propaganda to advance their own interests and harm their enemies if journalists do not search for motivation or check information from their sources for accuracy.

A survey in 2000 by ACNielsen asked voters whether the media exercised its power responsibly or irresponsibly. Fifty-two per cent, a bare majority, said they exercised it responsibly and 43 per cent said they exercised it irresponsibly. But a parallel survey of voters and journalists in 2004 found distinct differences between the two sets of respondents in their responses to ethical questions in relation to privacy and deception. Ninety-two per cent of voters said it was never right to take a picture of someone in their backyard from outside the property without their knowledge and consent, but only 38 per cent of journalists agreed. On deception, 85 per cent of voters but only 38 per cent of journalists said it was never right to obtain access by pretending to be someone other than a journalist. Anyone who doubts the lack of standards within much of Australia's media only has to watch the weekly episodes of ABC's Media Watch.
In looking at the evidence, Mr Finkelstein concluded:

...there is a widely-held public view that, despite industry-developed codes of practice that state this, the reporting of news is not fair, accurate and balanced.

This is an important conclusion when it comes to the debate about free speech raised by the motion currently before the Senate. Free speech is not just about the rights of the media; it is also about the rights of those who wish to access the media to have their voice heard. If stories that are in the public interest are being shut out or not given an airing by the media, free speech suffers. Free speech is not promoted by the news media deciding what it does and does not publish according to its own commercial interests. Free speech is promoted by news reporting that is fair, balanced and accurate. Free speech is promoted through having a news media industry with a diversity of voices.

It should be acknowledged that the government did not go nearly as far as Finkelsstein or the convergence review proposed, a point that seems to be fairly lost on the opposition. While the Finkelstein inquiry proposed a statutory body to perform the functions of the Australian Press Council and the news and current affairs standards function of the ACMA, we have opted instead for self-regulation overseen by an independent Public Interest Media Advocate, a position that will be a bipartisan appointment. The proposed Public Interest Media Advocate does not control the news media. It does not handle independent complaints against journalists or news outlets. It simply authorises the regulatory schemes proposed by the industry itself.

News media that participate in schemes authorised by the Public Interest Media Advocate will be able to maintain their exemptions from privacy law. I do not hear anyone from the opposition or the Murdoch media acknowledging these facts, but I suppose to rail against the great Stalinist conspiracy to allow the media to self-regulate does not really have the same ring to it. We are not determining what the media can and cannot publish. We are not even defining the standards to which they are to adhere. In fact, we are allowing the media to develop their own standards, which are expected to maintain fairness and accuracy. The decisions as to whether those standards are adequate is made by the independent authority at arms-length from government.

I will just briefly go through the arrangements that the Public Interest Media Advocate would require in an independent standards and complaints body. And in doing so, I challenge the next coalition spokesperson in this debate to explain which of these arrangements they find so objectionable. This is what the advocate would require: standards of practice which reflect community standards and expectations about news and current affairs, and to which all members of organisations would be required to adhere; appropriate and responsive complaints handling provisions; arrangements to require that the body publish agreed standards and publish decisions, performance and compliance statistics in relation to complaints lodged with the body; appropriate remedies and measures for enforcing decisions of the body; appropriate governance arrangements that ensure independence from news media organisations, including appropriate arrangements for appointing members of the body; suitable funding arrangements which would include requirements for each member of the body to contribute funding with the specific arrangements to be determined by the body itself. I ask once again—and when the next coalition speaker takes the floor, I would be keen to hear the explanation—which of these arrangements do they find so
objectionable? Which of these requirements of the Public Interest Media Advocate represents a relentless attack on free speech?

I will go to the other aspect of this package of legislation that the opposition has criticised, and that is the strengthening of diversity in the media. They say about our proposed public interest test, ‘Why not just leave it to the competition policy?’ What this approach ignores is that competition and diversity are two different things. When we talk about news media we are not just talking about any other commodity. We are talking about something which has the potential to dramatically influence public opinion. The public interest test, like the authorisation of the regulatory schemes, is made by the Public Interest Media Advocate, which I stress again, is an independent role. Those opposite accuse us of attacking free speech, but I cannot think of anything that furthers the cause of promoting free speech than maintaining a diversity of voices in the media.

In fact, if we are going to talk about genuine attacks on free speech, let us talk about the Howard government's watering down of cross-media ownership rules. Surely, if there is anything that is going to stifle free speech in Australia it would be the further concentration of media ownership. It is what those opposite did in government, and they have the gall to accuse us of attacking free speech. It just goes to show that there is no shortage of hypocrisy when it comes to those on the other side.

Those who would like to make out our media reforms to be some kind of radical proposal would do well to examine what happens in other countries. In 2003, the United Kingdom introduced laws aimed at ensuring a greater diversity of owners of media enterprises. The laws enable the UK Secretary of State for Culture, Media and Sport, when they consider a merger raises public interest concerns, to issue an intervention notice. Following an intervention notice, the regulator, Ofcom, must then provide a report to the Secretary of State with advice and recommendations on the specified media public interest considerations and representations made with regard to the potential merger. Following receipt of the Ofcom report, the Secretary of State will consider whether to refer the test to the Competition Commission, and will also have final decision-making over whether the merger can proceed following the Competition Commission report.

The Australian model is an improvement on the UK model because it keeps the decision-making at arms-length from the government. In the United States, the Federal Communications Commission has, since its creation, assessed whether media or telecommunication mergers would benefit or harm the public interest. In addition to media diversity rules in the UK and the US, media diversity safeguards have been legislated in Canada, Germany, South Africa and many other free democratic nations.

While this debate has focused on media reforms, let us have a good look at our record when it comes to free speech in other areas compared to that of the coalition. When it came to relentless attacks on free speech, the Howard government took the cake. Just yesterday, the government in the other place introduced the Not-for-profit Sector Freedom to Advocate Bill 2013 into parliament. This bill bans gag clauses in government contracts with not-for-profit organisations, effectively ensuring that the not-for-profit sector has an independent voice in advocating for those in the community most in need. This builds on our action to remove gag clauses from all government contracts with the not-for-profit
sector in 2008. I ask those opposite: is this the action of government that does not stand up for and defend free speech? No.

If you want to see the actions of a government that relentlessly attacks free speech, as this motion suggests, you should look at the previous, coalition government, which widely used gag clauses to try to silence the not-for-profit sector. If the opposition want to put themselves forward as the virtuous defenders of the free media then I would like to ask them: where were they when the press were joined by NGOs and lawyers to complain about the Howard government's freedom of information laws? Where were they when the government ministers, through the issue of conclusive certificates, were able to withhold documents according to whatever they deemed to be the public interest? Our reforms to freedom of information laws, including the abolition of conclusive certificates, allowed the release of documents when the public interest is genuinely served, not just at the whim of ministers. This is another great example where we have the runs on the board when it comes to protecting free speech.

I could reel off several other examples, but I think we all get the point about the opposition's hypocrisy in lecturing us about free speech. Instead I am going to use my remaining few minutes to talk about what this debate is really about. This debate is not about free speech. This debate is about cowardice. It is about the cowardice of those opposite when it comes to promoting the public interest over the interests of media moguls. It is about the federal opposition doing their best to curry favour with the major players in the news media.

We require no more from the media than a self-regulatory regime that has some teeth, a regime that ensures fairness and accuracy. But the federal opposition do not want fairness and accuracy in reporting, because it does not suit their interest. They do not want a diversity of voices in the news media, because it does not suit their interest. Those on this side of the chamber know from the surveys and submissions considered by the Finkelstein inquiry that it is what the Australian public want. We know they want diversity. We know they want fairness. We know they want accuracy. Not only do they want these things; they demand them.

The characterisation of our reform proposals as an attack on free speech is just another red herring. The coalition's behaviour in government demonstrates that they are not serious about protecting free speech. All they are interested in is bending to powerful media interests in return for favourable reporting. As I have said, while this debate is focused on media reforms, we really should have a good look at what those on the other side have done. When it comes to relentless attacks on free speech, the Howard government took the cake. I mentioned that just yesterday the Gillard government introduced the Not-for-profit Sector Freedom to Advocate Bill 2013 into this parliament and how important that is. I have also asked where the government ministers were through the issue of conclusive certificates. I am not quite sure there; where were they?

Our reforms to the freedom of information laws, including the abolition of conclusive certificates, allowed the release of documents when the public interest is genuinely served, not just at the whim of ministers, as those on the other side wanted. As I said, this is just another great example where we have the runs on the board when it comes to protecting free speech. It is a beat-up. It is hypocrisy. It is the opposition once again coming in. 'The sky is falling.' 'Whyalla's going to be wiped off the map.' 'The world's ending.' But they know in their
hearts that it is just them coming in and attacking for no real reason. It is because that is what they want to do, because it does not suit their interest.

The characterisation of our reform proposals as an attack on free speech is a red herring. The coalition's behaviour in government demonstrates that they are not serious about protecting free speech. All they are interested in, as we all know and the Australian public certainly know, is kowtowing to powerful media interests in return for favourable reporting. Unlike those opposite, we on this side are on the side of the public.

Senator RYAN (Victoria) (16:19): The previous speaker in this debate betrayed the government's agenda. The first half of the speech was a litany of complaints about the way the government had been treated. It was a litany of complaints about how News Limited newspapers in particular had criticised and dared not show deference to the wisdom of this government, this Prime Minister and this Minister for Broadband, Communications and the Digital Economy. That is at the core of what this is about. If the Labor Party wish to go around the community and accuse us of rabidly defending free speech, of raising the stakes in this debate, then it is an accusation that I will agree with, because this is a critical issue.

We are seeing proposed by this government a philosophy that has changed within the Labor Party. Years ago there were some on the left who opposed censorship along with Liberals, and we saw changes to our news reporting, we saw changes to the culture of journalism and we saw changes to the way things were published in Australia. Since that moment—since the development of the new left in Australia—we have seen a profound change. First it was the disease that infected the Greens; but, as we know, that has embedded itself in the soul of the Labor Party. It was so amusingly consecrated by the signing ceremony between the current Prime Minister and the former Leader of the Australian Greens. Now the Labor Party has this view that there is appropriate and inappropriate speech.

If the previous speaker wants to talk about appeasing media moguls and the public interest, let's go back to what formed Australia's largest news organisation, News Limited. It was the takeover of the Herald and Weekly Times signed off by Paul Keating and Bob Hawke. Paul Keating created the legislation that led to the so-called 'princes of print' and 'queens of the screen', and why did he do that? Labor people have written about this, so it is no secret. They did that because the Herald and Weekly Times, in particular the Melbourne Herald, ran a campaign against Labor's broken promise on the pension assets and means test in 1984.

The Labor Party is never scared of bragging about its power nor about the threats it wants to carry out on those who disagree. We will give them credit for that. In the mid-1980s we saw the formation of News Limited and we saw that not because the Labor Party thought it was going to improve Australia's media environment but out of a sheer vindictiveness, a vindictiveness towards one newspaper, the Melbourne Herald. A great newspaper it was too. So the Labor Party has form, and if the only thing they can do is criticise the previous government for relaxing cross-ownership laws that reflected a changing media environment and changing technology that the vindictive laws passed by Hawke and Keating were no longer suitable for, that is an accusation that I am happy to have levied.
What we have heard from the previous speaker and from every Labor Party member that talks about this is a litany of complaints about News Limited or about how somehow we cannot trust journalists to write the truth. At the heart of this is the claim of bias, the hate media, the idea that the *Australian* newspaper or another newspaper dares criticise the incompetence, the malefiasance or the sheer untruthfulness of this government. All I will say to that is that it has been a joke around Melbourne since the days of Bolte that Liberals have had to cope with the *Age* being potentially, from the perspective of some, slightly left of centre. But if you are a politician you thrive on criticism because it gives you a chance to put your case, it gives you a chance to make your argument. Not all of it is welcome; I doubt there is anyone in here who has been happy with everything that has been written or said about them on blogs, websites, newspapers, radio or TV. But what is the alternative? The alternative is a bureaucrat appointed by a politician effectively determining the sort of speech we are going to have in this country, the things that journalists can write, the things that can be printed in our newspapers. That represents a dramatic departure from the history of a liberal democracy and one as old as Australia and one that has a relatively fine tradition of protecting freedom of speech.

At the heart of this by the Labor Party is a conceit—Hayek called it the fatal conceit—that they can decide or a bureaucrat they appoint can somehow improve the work of thousands of journalists, writers and bloggers all around the country; that there is an appropriate form of speech and an appropriate dispute resolution mechanism and that is the one that shall be enforced upon all. They talk about an independent monitor but it is still an agent of government, it is still an agent of the state, it is still appointed by a politician, it still operates under rules set by politicians. I am humble enough to say I should not be setting those rules and neither should anyone in this place. It shows the conceit of the Labor Party that they think they have a role to do so.

The previous speaker talked about other countries. When it comes to freedoms, Australia was the second country in the world to grant women the ballot and one of the first countries in the world to grant universal franchise to men. We have never compared ourselves to other countries that were decades behind us in some of those developments. At the turn of the 20th century, as well as having the highest standard of living in the world, this country was a social laboratory and it was a laboratory of public policy. Yet now the best that can be done by those opposite is to throw a few failed European economies at us and justify this as the basis for a new series of regulations upon the media.

We hear the bleating about the gag rules, and it shows a real lack of understanding. You are not proposing just regulating those who operate with public funds; you are saying to someone who owns a newspaper that is not dependent upon spectrum, which is a public asset, that has no public interest involved whatsoever other than someone owning a printing press, employing journalists and being willing to put their name as the publisher behind a publication. You are saying that you have a right to regulate that. There has historically been a legal and moral right to regulate radio and television because public spectrum is limited. We have long applied codes to that, whether it be about adults only viewing times or burdens like local content requirements, because spectrum is a limited commodity. It is a public good in that sense. But there is no similarity between that and a newspaper, a newspaper that is produced,
funded and sold privately without any involvement from the government: until today, where they have to sign up to a series of regulations or the government will put the gun to their head with all the power of the state and the force of law. There is that great Labor tradition of handing out money. They talk about gag rules; what about your history of putting people on the drip, putting people on the government funded drip as they go out there and say what you want, which always proposes more regulation and less freedom, and always proposes greater government involvement in the economy. Just by coincidence, the very people you seek to defend happen often to have previously worked for a union or they are always asking of government more, because there is a natural inclination of a lot in that sector to seek greater and greater roles for themselves at the expense of the public leading their own lives.

These attacks on freedom of speech are unprecedented, an effective licensing of the media. They do not have the guts to actually say they going to license media because the High Court would probably say they could not following the television advertising case just over two decades ago. The High Court would probably have something to say about that. What they will do is create an undue burden on those who do not sign up to the government scheme approved by the bureaucrat that the politicians appoint. I do not care if you consult with the opposition—no opposition or government should have a role in this. I do not want one. It is not for us to decide. Yet when a newspaper says, 'That is not for us,' you are going to apply the full force of law, threaten them with all your plaintiff lawyer mates, allow people to tackle them in ways that they cannot tackle another newspaper purely because one newspaper signs up to the government's preferred scheme. You may not call it licensing but it is effective licensing. It is the modern day Stamp Act, where you have to get a stamp of approval from the government to actually publish something or there will be a different burden placed upon you. The government obfuscates with claims about diversity but every action it undertakes is about suppressing it, every action it undertakes is about approving certain forms of media. The language in this debate today is all about appropriate reporting by journalists, as if it is up to them to decide.

They have constantly attacked one particular media segment or one particular media organisation. But I remember the bleating, Senator Kim Carr, from your Victorian colleagues when Jeff Kennett dared to criticise the Age. He only criticised them; he did not propose to license them or subject them to state privacy laws. He did nothing of the sort. One day he threatened to pull some government ads from them, and I think he unsubscribed from the newspaper, and the Labor Party were out there screaming about attacks on freedom of speech. Yet the modern day Labor Party have come here and proposed that some journalists will be licensed and some will not. Some will have to think, 'Does this law apply to me in a different way than it does to my colleague?'

If anyone here does not think that that is going to have a chilling effect, just think of a press conference with, for example, Senator Conroy being quizzed about the latest government blowout, disaster or scandal. One journalist from the approved media feels they can ask a certain question but another journalist whose newspaper's boss has not signed up to the state sanctioned dispute resolution mechanism—the bureaucrat appointed by politicians to decide whether complaints are appropriate or inappropriate—does not have that protection. They can have all their notes seen and have
the full force of the Privacy Act applied to them. Do you think it is going to lead to any difference in questioning? I am sure it wouldn't. Even though I disagree with a lot of journalists a lot of the time, journalists have shown a willingness to defend their position and their role in our society.

This approach reflects the creep of restrictions on speech that the new left have driven over the last few decades—that whole idea that there is appropriate or inappropriate speech. This debate is wider than just about the media reforms—and I do want to note the contribution in great detail by Senator Birmingham, who spoke before me for the coalition. Let's go back and look at the antecedents of this view that there is appropriate and inappropriate speech. A couple of decades ago universities started developing speech codes and certain forms of debate could be had and some could not. We had people, usually from the left and now in the Greens or members of the Labor Party left, Senator Kim Carr, who would have protests on campus because they did not think that a certain person was appropriate to come and speak. I saw Gareth Evans a victim of that and I saw Jeff Kennett a victim of that—'Those people should not be allowed to speak, because we find their view offensive.' That was the culture of our universities in the 1980s and 1990s.

That started to be reflected even in university policies, where there was appropriate and inappropriate speech. There was a famous style guide at Melbourne University. They had a whole section on how to correctly refer to Indigenous Australians. You could lose marks for, despite all best endeavours and intentions, inadvertently offending someone, because it was not about whether it was offensive or not; it was a subjective assessment of whether the deemed victim group felt offended.

We have seen that result in the Racial Discrimination Act—the infamous section 18C, put in place in the dying days of the last Labor government, that saw an Australian journalist hauled before a court for an opinion. I really hope that in the future that is not reflected upon as a turning point in this country—that we look back at the Bolt case and think that that was the time that we started down the European path, that that was the time that we started to restrict speech because we in this place were not humble enough to accept that it is not up to us to determine what is appropriate and inappropriate.

Professor Don Aitkin was hauled through legal processes for inadvertently offending someone that he did not even seek to offend. He was not even trying to make a particular point. Last year I made a speech regarding this issue. What we have to understand is the chilling effect of codes on speech and restrictions on it. If I said something that Don Aitkin said and that gentlemen, Mr Mortimer, was out there and he decided to go get a friendly plaintiff lawyer—from a Labor aligned firm, I am certain—to come and launch an action against me, I would have no means of defending myself. Most Australians do not have the means of defending themselves against a legal action—probably using public funds indirectly to do it. What is the capacity of someone who writes a blog to defend themselves against an action that might be completely superfluous? It might be without foundation but you still have to hire lawyers—which could easily cost you more than $10,000. That is the chilling effect that that law has. This law proposed by Senator Conroy will have the same effect—and I dare say that is its intention.

It is sad that today a case for free speech needs to be made. Why is free speech so important? It is important not only because it
is the basis of a free society; there is actually no more critical right in our society. It is reflected in the famous words of the US First Amendment: 'Congress shall make no law abridging freedom of speech, or of the press.' I will come back to that in a minute. Speech is the expression of our thought, our identity, our ideas and our dignity as individuals. There is no point having freedom of conscience if you cannot express it. The words on the Thomas Jefferson memorial in Washington encapsulate this. Thomas Jefferson had a very extreme view on freedom of speech—one that I am personally quite comfortable with. He said:

... I have sworn upon the altar of god eternal hostility against every form of tyranny over the mind of man.

We have to accept that the US, more than any other country on earth, actually has a record on freedom of speech that is unparalleled.

So why is it so important? Freedom of speech was not the first right we were granted; that was actually property. It came along at about the same time, or sometime after, freedom of religious conscience was granted. What we would often regard as the most important right we have as citizens, the right to vote, actually came along after we were given the right to demand it. The right to vote did not happen without people in the UK—before the great reform acts—and people in Australia, after the Eureka Stockade, demanding it. Women were given the right to vote because the right to demand it was there. We reversed the ban that we put on Indigenous voting in 1902 in 1961 or 1963 because we had the right to demand it. In the US during the civil rights crisis, it was the First Amendment that kept the campaign alive, even when the arms of the state—the police, dogs and bullets—were hailing down upon the civil rights protestors.

I do not mean to be melodramatic, but this is why speech is important. The most important aspect of it is that it challenges prevailing wisdom. An example is Alan Missen, a former member of this place, decades before he came here campaigning as an official of the Liberal Party in Victoria against Robert Menzies' referendum to ban the Communist Party—which was on the front page of the Argus and the Melbourne Herald. Challenging prevailing wisdom is what speech is about. I dare say that, as Liberals, we are more used to it, as survey after survey tends to show that journalists are probably closer to the left than the right of politics. I do not say it necessarily infects their writing, but Liberals are used to criticism, whether it be at universities, in workplaces or in politics generally. The voice of people and the freedom to say unpopular things, the freedom to say things politicians do not like and the freedom to say things lawyers and judges do not like is what drives social change. That is what this government is uncomfortable with: things it does not like being said. We have to go back to these core principles.

What we saw with the Andrew Bolt case was someone dragged before the court for an opinion. In the judgement of the case, some interesting words were used. I quote Justice Bromberg:

At the core of multiculturalism is the idea that people may identify with and express their racial or ethnic heritage free from pressure not to do so. People should be free to fully identify with their race without fear of public disdain or loss of esteem for so identifying.

That is not an appropriate definition for limits on speech for our society. No-one is free from disdain, and if we are going to have a personalised judgement on what is offensive, with that being the basis of law, then we are undermining the very concept of
the rule of law. That is where our society is going.

In my last minute I turn to why the media is so important. The media is the institutional expression of freedom of speech. It has always had a special role. The US's first amendment recognises that role by specifically including freedom of the press. Whether in civil rights, the Pentagon papers, Watergate or the Vietnam War, all those protections were critical to delivering a different outcome than there would have been if journalists were not free to write. I do not necessarily agree with all the outcomes, but society is better for me not having that choice and for no-one in this place having a choice.

It was many years ago that the self-declared experts in the Labor Party started to determine what is and what is not appropriate in speech. Every Australian is going to realise that this government's intention is to determine what is appropriate and inappropriate in their lives, in their thoughts and in their words. It is a threat to our liberal democracy. It will be opposed with every breath in the bodies of the people on this side of the chamber, and I urge the government to reconsider and crossbenchers to oppose it.

**Senator FURNER** (Queensland) (16:39): I rise today to contribute to this debate, mainly in response to some of the hysteria that has been ventilated in this chamber from many of those opposite in the way they are addressing these media reforms. You would tend to think that we are trying to muzzle the media over this particular series of bills, but it is far from the truth. This is about fairness. This is about ensuring that the people out there with access to media—print, and electronic and online—have the ability to have some involvement in what they are reading.

I indicated yesterday when taking note of answers provided in this chamber on this particular subject that I had the opportunity to work for the media outlets for several years in my past before I had the very fortunate chance to work for the trade union movement. I was fascinated by the change of reform going through media outlets during that period. One such company I was involved in was Queensland Newspapers. I saw the reforms move from broadsheet to tabloid newspapers, and the increase of social media and electronic media. The most significant changes that occurred during that time were when we moved from a reasonably independent Queensland company to one bought out by the Murdoch press.

I particularly noticed the lack of morale as a result of the acquisition of that particular newspaper by the Murdoch press. People who had worked for the company for many years—35 or 36 years of employment—had also noticed the result of change in that particular enterprise. We saw loyal, long-term employees who had for many years never taken a sick day resort to statements like, 'I'm going to exhaust my sick leave before I retire because this is the type of organisation I now work for.' The morale in the workplace was very depressing. I am only making this point as an example of how things change. It may have been as a result of the change in conditions or of the lack of confidence and happiness within the new organisation that we worked for. People should not be frightened of change. People should realise that change is good, provided it is the right course to take, and that is what these bills are about. I will go through them step-by-step.

If we look firstly at the Broadcasting Legislative Amendment (News Media Diversity) Bill 2013 and the Public Interest Media Advocate Bill 2013, they are really...
about providing these amendments to protect the diversity of news media voices through the creation of public interest tests, to be applied to mergers and acquisitions of news media voices of national significance. The purpose of the test is to seek no substantial lessening of diversity of control of significant news media voices. There is a direct example of the commitment of not lessening the diversity of those controls as a result of this particular bill, which we will see in this chamber at some stage in the future. The test will also apply to specified news media voices which will be registered if they have a significant national audience reach.

The Public Interest Media Advocate Bill 2013 will also create a public interest media advocate—an independent statutory recognised officer. The public interest media advocate will decide whether a transaction involving news media voices subject to the test may proceed, and has the power to accept court enforceable undertakings that mitigate against the loss of diversity. There is a series of examples in which it is not a case of us coming into the government wanting to overregulate or muzzle the media outlets, as those opposite will suggest. That is far from the truth.

If we look at the example of the media diversity public interest test, media ownership is already regulated. It is based on the policy rationale that a diversity of media ownership secures a diversity of views, opinions and ideas, and contributes to improved and informed public debate. It is important that it mentions the view and the involvement of public debate, and their involvement is one area that this set of bills will concentrate on.

However, these current rules do not reflect recent structural changes in the media industry, including the existence of online media and emergence of national significant voices. I am sure, Mr Acting Deputy President Edwards, that your children would be like mine and that they have adapted or moved to social media interaction not only with their friends but also on pages like Facebook, interacting with blogs and things they see, and responding to those. I think it is important that people have some responsibility for the manner in which they reflect and respond to those things that are online about certain material. Once again, this is not a case of putting a stop to that sort of interaction and that involvement by people that may wish to interact on social media outlets. The introduction of a public interest test for media mergers and acquisitions of news media organisations of national significance will ensure that the diversity of news media voices is maintained, complementing existing rules designed to promote competition and regulate media ownership.

The scope is that the public interest test will be applied to mergers and acquisitions of registered news media voices which meet a specified audience of subscriber threshold. Mergers or changes of control of a voice cannot proceed unless the Public Interest Media Advocate, PIMA, is satisfied that the transaction would not result in a substantial lessening of diversity in news or current affairs. Surely that speaks for itself in terms of the commitment of the PIMA when they advocate their decisions.

The test will not duplicate the substantial lessening of competition tests carried out by the ACCC and will operate in parallel with other media diversity safeguards. Also, if we look at news media voices, for the purposes of the register of news media voices, the following entities are voices: a commercial television service that provides news or current affairs programs, a commercial radio service that provides news or current affairs programs.
programs, a print publication that provides news or current affairs content, a subscription television broadcasting service that provides news or current affairs programs, a subscription television platform and online services that make available news or current affairs content targeted to an Australian audience and that have paying customers. Once again, it covers the ambit of the accessibility of media and information and news and current affairs that is available to the public.

Why are we doing this? As I indicated, I had some exposure to the media for several years. I worked for a media outlet, then moved into a professional role as a trade union official and subsequently became a union boss looking after workers. As a result I had more and more exposure to journalism and the media in terms of interviews. I have always found journalists to be extremely competent, very professional people in the manner in which they conduct interviews. I have never had a real issue other than a few minor matters I am not going to really bother about, because that is water off a duck's back.

But you find more and more these days that people are questioning the role of the media in certain decisions, in certain interviews and in certain elaborations of particular reports and matters. Just the other day as I was down at Avalon as the Chair of the Defence Subcommittee, and I was talking to one of my colleagues from across the chamber about a Four Corners program. His comment was, 'I never listen to Four Corners anymore.' He believes they are so biased. We were talking about a specific program that he, unfortunately, was not in a position to watch because he was not prepared to watch Four Corners. I had seen the program. I would have to agree with the gentleman from across the chamber that, watching that particular program on Four Corners, there may have been some bias as a result of what they were deliberating to the public in terms of the JSF program. One would have to watch the program, of course, and form their own view on it, but it just shows that there are those of us that have an issue when it comes to the media.

There are also people in the media that have an issue when it comes to having interviews, in particular with parliamentarians. Recently our Labor candidate in the seat of Fisher, Bill Gilssane, alerted me to an article in the Sunshine Coast Daily by the journalist Kathy Sundstrom. The headline reads 'Journalists cop mud from churlish pollies', and just in part it reads:
Instead of simply focussing on the accuracy of information, people started commenting on people.
Refusing to talk to a reporter who has written something they don't like is another childish tactic.

I can understand that. Sometimes it is difficult to get both sides. If a journalist is interviewing you it should be within your competence and commitment to demonstrate your position on particular things. The journalist went on in this article:
For someone with political clout to then refuse to talk to a reporter because they weren't happy with a report written, sometimes weeks or months ago, is churlish.

Members of the Noosa Independence Alliance are not the only ones guilty of this behaviour.

And then she refers to:
Mal Brough is the latest politician referring to this kind of tactic.
That is the LNP candidate, of course, in that particular seat. So it is not just others out there from the other side who have indicated that there is some need to look at reforms in the media, it is also journalists themselves who are willing to consider changes.

This morning I was fortunate enough to talk to a good friend of mine who is a well-respected journalist, affectionately known as ‘Flip’, and she indicated to me that professional journalists ultimately work for the people of this great country. They are driven by respect for the truth; they believe in their media alliance union code of conduct; they aim to strive for honesty, fairness, independence and respect for the rights of others. One of the examples she provided to me was of a time when she was told by her news director to sneak into a hospital with a covert camera and film a child who had been assaulted during the schoolies festival on the Gold Coast. She refused on the grounds of that being invasive of privacy and totally unethical. That clearly demonstrates the ethics that are involved in journalism. People respect the code, they respect their profession and, once again, this is a clear example of a journalist not willing to go below when it comes to trying to get a story for a director who at a particular time considered it would be good news.

Unfortunately, sometimes I see on the television or in print a lot of bad news. I have spoken on many occasions at schools about the good work we are doing in Afghanistan, but you would rarely hear about or see that type of material in the Australian media. You hear, naturally, of the unfortunate occasions of death of our good, professional, hardworking men and women in the ADF but you very rarely hear about the good work that is happening on the ground in changing the attendance rate at schools. I recollect an example I was given when I travelled there a couple of years ago. When the Taliban ruled, there were approximately one million boys attending school—no girls; girls were not allowed to go to school—but as a result of our good work on the ground in Afghanistan with other forces that has changed. Now we see examples of approximately 7.3 million students attending school and of those 7.3 million there are about 2.7 million girls. I have told that story time and time again at opening functions that I attended for the Building the Education Revolution program, to explain to people the good work that we are doing not only for education at schools in countries like Afghanistan but also to indicate the good work we are doing there with our ADF personnel.

Quite often we come into this chamber and use media quotes and stories, but sometimes senators and members of the House of Representatives unfortunately do not have the opportunity to research some of the content. I will use one example: it was only last sitting week when Senator Macdonald was in the chamber talking about government documents. He referred to a particular quote from a person, but I would not refer to that person as a journalist. I would say the person was making a commentary to a newspaper about an issue associated with the union movement. It was unfortunate that Senator Macdonald relied upon this person as a genuine, competent and sincere person who was able to make comment. The first error I will pick up about this particular person, who probably promotes herself as a journalist, was her claim that she worked for the trade union movement, as she did. She claimed that she had 20 years’ experience but that is not true. I know personally that this person had only six years’ experience. However, Senator Macdonald referred to her as an insider in the union movement. That is far from the truth. This person worked for a couple of unions in Queensland and now has moved to...
Melbourne, generally on behalf of employers working against unionists, working against people who are trying to do the right thing in those environments.

I use that as an example to show why we should not use quotes in this chamber from someone who should be discredited for her involvement and role in the trade union movement. She is subsequently working for employers. In fact, the HR Nicholls Society referred to her as a person attending a function in a guest speaker's role who had played an instrumental role in Queensland's section of the resistance movement during the dispute between Patricks and the MUA. It said that 'Collier'—that is the person I am referring to—is one of the core group that was arrested and charged for her role in the operations. This is the type of person that Senator Macdonald referred to as being more or less an insider in the union movement. Why would someone come into this chamber and refer to someone who has been arrested, has probably been determined now as a criminal with a conviction—despite the fact that it was subsequently overturned—and rely on that person as being credible? That is why we need to be careful when we discuss matters that are printed in the media these days. That is why it is important that we consider these reforms, to make sure that these types of statements are not ventilated in the public and used as examples of those sorts of things.

She was later picked up in a case involving an industrial dispute and appeared in court. Apparently she took the opportunity to use a concealed microphone in her underwear, as I understand it from the Herald Sun, and the judge at the time, Justice Marshall, asked: 'Do you think she was in a James Bond movie or something?' Once again, this is about the credibility of someone that a senator from the other side uses for evidence when they come into this chamber to speak on matters.

I know for a fact that Senator Macdonald's senior adviser, Max Tomlinson, had resigned his position because he launched a misogynist attack on a Dr Carole Ford. It would be wrong for me to come in here and use that as an example, claiming that Senator Macdonald is a misogynist. And that is why I suggest we need to be careful. (Time expired)

Senator RONALDSON (Victoria) (16:59): We are debating an unprecedented attack on the freedom of the community's right to know. Freedom of speech is—as you would be acutely aware, Madam Acting Deputy President Moore—a fundamental Enlightenment principle that has been fought for in many battles and wars by our forebears, both physical and intellectual, but one which Senator Conroy and this government clearly are prepared to whittle away through this draconian legislation.

In looking clearly at Senator Conroy's views on the principles of the Enlightenment, I can go no further in setting the tone for this contribution than quoting Evelyn Beatrice Hall's comments when she was trying to describe Voltaire's belief—and I know that you would be acutely aware of these words, Madam Acting Deputy President: 'I disapprove of what you say, but I will defend to the death your right to say it.' And John Stuart Mill said:

If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.

I cannot describe to this chamber how extraordinary it is that we are required to debate this matter today: that the great Australian Labor Party—which bases itself on defending the rights of those who are
underprivileged and downtrodden—and this minister and this Prime Minister are throwing all these principles out for the sake of a cheap political stunt, the ramifications of which will be felt by this country for decades. That is, quite frankly, utterly distressing.

I am distressed by what the government is attempting to do, and the media is distressed by what the government is attempting to do. But this debate is framed around the relationship with the media. This debate should be framed around the fact that it is the Australian people who are the great losers from this. They are great losers because of the muzzling of the press. But ultimately it is the Australian community which will wear the odium of this particular piece of legislation. And to hear Senator Conroy today stand up in question time and try and justify the unseemly haste with which this legislation is being debated and discussed again filled me, quite frankly, with horror.

Let us cut to the chase on what this is all about. Let us cut to the chase and describe why there was an emergency cabinet meeting on Tuesday morning to ram through these changes. Let us talk about what happened in caucus in relation to this matter and the anger of the caucus chairman who sits in this chamber, Senator Marshall. And let us go back and see what this is all about. I will tell you what this is about, and to do so I am going to go back to something called 'drag hunting'. I will describe to the chamber what drag hunting is. It is a sport dating back to the early 19th century. A group of dogs, usually foxhounds or beagles, chases a scent that has been laid or dragged over a course with a defined beginning and end before the hunt. The scent usually is a combination of aniseed oil and possibly animal meats or urine. It is dragged along the terrain by a volunteer for a distance.

And indeed what we saw on Monday and Tuesday was the modern day drag-man, driving around Canberra and the Lodge in a utility full of meat. And this was a drag hunt deliberately inspired by the actions of the Prime Minister and the minister as a tactic to divert attention from the issues, including the leadership issues, facing the Australian Labor Party. The drag master, Senator Conroy, had that utility full of meat and he set the media off on another chase, away from the issue with the Prime Minister and the leadership. The media were not to know that the drag master was leading them into the most draconian piece of legislation that we have ever seen in this country, and they were not to know that the drag master was driving that utility to get the media off their backs on the leadership issue—they were not to know what was going to be confronting them the next day.

When you read media reports—and I find extraordinary the comments of Senator Furner, who said that this is not a muzzling piece of legislation—the Australian Labor Party, and Senator Furner, were muzzled in relation to this matter. The chairman of caucus said that he was muzzled in relation to this matter. And you would be acutely aware yourself, Madam Acting Deputy President, of the quotes from some of your cabinet colleagues. This was quoted in the media:

"It would be fair to say there was very limited discussion," one cabinet source said, confirming proper process had been scrapped at the meeting. A small number of ministers are believed to have been kept in the loop, including Treasurer Wayne Swan and Prime Minister Julia Gillard.

The very people who are trying to fight off a leadership spill in this fortnight! And when the Fairfax poll comes out on Monday, if that is not favourable to the Prime Minister, will we again see someone like drag master Conroy out in the utility with a tray full of
meat trying to change the outcome and keep the media off the track of what is going on? We will see on Monday where the ute is going and how much meat is in the back of it. Will the Australian community be forced to succumb to another such piece of legislation on Monday? Who will know.

I want to turn now to an editorial in the Geelong Advertiser this morning. I will read it in toto so there can be no allegation that I am selectively quoting. It says:

THERE is no more important principle in a free society than freedom of speech. This inherent right underpins and underwrites our democracy.

For the media, it allows us to tell you what is going on in the world. It allows us to investigate wrongdoing on your behalf. It allows us to expose those who do no good and, above all, it allows us to give you the information needed to live your lives.

Right now this most important principle is under threat because of the Federal Government. If the new laws proposed by Communications Minister Senator Stephen Conroy are passed by the Parliament, the media including your newspaper, the Addy, will not be able to do its job.

We will not have the freedom to publish without fear or favour. I will repeat that: 'We will not have the freedom to publish without fear or favour.'

The editorial goes on:

We will be controlled by the Government, an appalling state of affairs that has more in common with the Soviet Union of the Cold War era.

Under the draconian laws proposed by the Gillard Government, the media will now be controlled by a government-appointed Public Interest Media Advocate.

This person, appointed by the Government, will decide if media organisations are acting within standards and, if it deems they are not, will be able to take action.

That action would include removing the media organisation's exemption from privacy laws. Those laws allow us to bring you the stories that the powerful do not want us to report, that governments want to keep secret and that you need to know.

Our concerns over these proposed media laws are further heightened by the appalling haste with which the Federal Government is seeking to pass them. This attack on freedom will have only a week to be passed, Senator Conroy warns, or it will be scrapped.

Do the Australian people not deserve more time to scrutinise these changes? Is our democracy not worth more than that? The absolute haste and brinkmanship being shown by this government is testimony to its increasingly panicked, desperate and deeply antagonistic attitude to the media.

When any government attacks the media, it is a sure sign it is in strife and struggling for survival. This government's desire to shoot the messenger is unprecedented in our country's history.

The Geelong Advertiser says this ham-fisted assault on democracy must be stopped and we look to the members of Federal Parliament to show their character when the vote is called.

We want to see if our elected representatives care and value the society's, and this community's, inalienable right to free speech and a free press.

That is the Geelong Advertiser editorial today. I have heard some terrific speeches by my colleagues on this side of the chamber today but I do not think anyone has better encapsulated this issue than those comments from the Advertiser today.

I am not going to be overtly political in relation to this, but I will throw out a challenge to two people: the member for Corio and the member for Corangamite. They have been told by their own newspaper that what they are going to sign up to is a destruction of the freedom of the press. Are they going to sit back and let this happen?
Are they going to read that editorial in the Advertiser today and acknowledge the comment of the editorial:

We want to see if our elected representatives care and value this society's, and this community's, inalienable right to free speech and a free press.

That is the enormous challenge for Mr Marles and Mr Cheeseman from the other place. Those two gentlemen, as people from Geelong know, rely on the Geelong Advertiser to sell their message. In one fell swoop they are going to deny their local newspaper, as it says, its inalienable right to report. And if they do pass this legislation then they stand completely and utterly condemned.

I noticed with great interest the comments of Senator Furner about a discussion he allegedly had with someone from this side—I am not saying he did not have it—about Four Corners. He told the chamber that the member from this side had said he no longer watches Four Corners anymore because he thinks it is biased. Isn't it remarkable that the person who thinks it might be biased is part of the coalition that is defending the right of the ABC to be biased, if indeed that is what they are? That is the remarkable outcome of what is happening. Senator Furner is damned by his own words. It is this side of the chamber that is protecting the right of the ABC and the right of every other media outlet to report, and to report appropriately.

How we in this country can cede to a public interest media advocate the oversight of media in this country absolutely beggars belief. We are putting in the hands of a public servant the right to determine the very things that people have fought for and died defending. How can we possibly, as a country in 2013, countenance the ceding of that inalienable right to the freedom of the press to a paid public servant appointed by the government of the day? I do not care whether that person is appointed by a coalition government or a Labor government; it is wrong. I would never defend the right of a coalition government to appoint a soviet czar such as this, and I would not with the Labor Party, and we are not going to sit back and let this happen. We are not going to sit back and let a government in decline come through this parliament to take the focus off a leadership challenge by destroying the very things that people have fought and died for. I think that anyone who has fought to defend those principles of freedom will be absolutely gutted by what has been attempted here today.

There has been a lot of commentary, and of course the Australian Labor Party would like to close them down, because they do not agree with them. We defend the right of the left-wing press to do their job. We might not agree with them—in the main I am sure we do not—but we are determined to protect their right to say it. I was fortunate to look through a media release today from Mr Chris Berg of the IPA, a conservative commentator and proudly so. Chris Berg said:

Communications Minister Stephen Conroy's proposals for media regulation are a de facto licensing scheme for the print media and a fundamental threat to freedom of the press. They are indeed a de facto licensing scheme. And who was it, several years ago, who called for reforms calling for the Crown to license newspapers? It was none other than the former leader of the Greens, Mr Bob Brown. At that stage, Senator Conroy refused to rule it out as an option and he now seems to be trying to implement it one step at a time. Now I am not a conspiracy theorist—never have been, hope I never will be. But is it not remarkable that the apparently divorced left-wing section of the Labor Party, the Australian Greens—of course, no one believes it is a divorce; it is a temporary separation for purely political purposes—are
not speaking on this matter this afternoon? Is there one speaker from the Australian Greens who is going to stand up today and debate this matter? Are they going to debate the motion regarding Labor's relentless attacks on free speech? Is there one person from the Greens who is doing that? No, there is not. They are absolutely complicit in Senator Conroy's attempts to license the print media. They are part of this. I have absolutely no doubt that this is part of a grubby deal between the Prime Minister and Senator Conroy and the Greens. That grubby deal is going to deny the people of this country the absolute freedom which people have lived and died for, and I can only beg and plead with those opposite to make sure that this never, ever becomes law.

Senator PRATT (Western Australia) (17:19): I think it is completely hypocritical for the opposition to launch this attack today, as if they have all the moral virtue in relation to free speech in this country, because I am here to tell you they do not. Freedom of speech in this country is indeed an important right, but it is not a right that is without limits, and the coalition accepts that, although I think the coalition should accept that because Tony Abbott has put on record—

The ACTING DEPUTY PRESIDENT (Senator Moore): Mr Abbott, Senator Pratt.

Senator PRATT: Mr Abbott, yes, indeed. Madam Acting Deputy President, you are indeed right to correct me. Mr Abbott has placed on record his desire to repeal racial vilification laws in this country. Now there is a very clear limit on free speech in this country and it is indeed a just and right limit that Mr Abbott wants to withdraw. But when does the coalition say, 'Yes, we will put limits on free speech?' When do they do it? They do it when it suits them politically. They do it when they want to gag non-government organisations—when they want to gag criticism. They did it to the peak Youth Affairs Council under the Howard government. They gagged them and said: 'You cannot criticise the government. You cannot be the voice of young people in this country. You can advise and you can consult with us, but we will not let you be the independent voice of young people in this country.' They did that to so many non-government organisations in this country. So it is no surprise, I guess, that the Newman government is treading down the path of putting gag clauses in the contracts of organisations in Queensland.

So the Gillard government, very importantly, has looked to introducing legislation to ban gag clauses in federal government contracts with the not-for-profit sector. This is going to cause a really interesting conundrum in Queensland. I am not entirely across how this is going to be resolved, because the Queensland government is insisting that any organisation that has 50 per cent or more of its funding coming through the Queensland government will be gagged. But many organisations, as we know, have funding from both Commonwealth and state levels. They will have a combination of funding, so the Gillard government can uphold the right of these organisations to speak freely. Nevertheless, while we give them that right, I dare say they are going to be constrained anyway because they are still going to have to look to those gag clauses in Queensland because their incomes will depend on it. We are not necessarily going to be able to save them from this.

We do not believe, like the Liberals, in silencing those who advocate on behalf of the community and those most in need. Of all things to silence, when we talk about free speech in this country, it should not be the organisations that stand up for the most
vulnerable and the most in need. Who are you, on the other side of this chamber, to lecture us on free speech when these dreadful gag clauses were promulgated by the Howard government and are now being promulgated in Queensland? They certainly also existed in Western Australia under the Court government. These are severe impingements on free speech in this nation.

I support the Gillard government's call on all the state premiers and territory chief ministers also to ban the use of gag clauses in their government contracts. Why would they need these gag clauses? They are simply for political purposes, because they want to silence organisations from criticising their savage cuts to health and education. They simply want to silence those who want to speak out. These are draconian measures that Queensland has put in place, and it is right that the Gillard government should want to respond and protect these organisations; to protect their right to freely express their views, to protect their right to stand up for vulnerable Australians who need a fair go.

Unfortunately, though, I really think that gag clauses are a fundamental part of Liberal Party DNA. So much for free speech. They do not respect the independent voices of people in Australia's not-for-profit sector. They have proven that over and over and over again, government by government around the country that have put these clauses in. We see them in Queensland. I have seen them in WA and we saw them under the Howard government. There were wide uses of these gag clauses by John Howard. I have every expectation—despite all the protests over on the other side of the chamber about free speech—that you would reintroduce those in the future should you ever be given the chance to rule this country again. It would be a crying shame to see those voices silenced. That is why we will fight tooth and nail to stop you from doing that. Gag clauses silence those who most need to be heard.

**Senator Ian Macdonald interjecting—**

**Senator PRATT:** So I am very, very happy that the Gillard government has introduced a bill to prevent the application of gag clauses. If those opposite want to introduce gag clauses again and make not-for-profit organisations vulnerable to those gag clauses then you will have to repeal that legislation. You will have to justify your desire to gag organisations that disagree with you, to gag organisations that stand up for the vulnerable and for the needy.

**Senator Ian Macdonald interjecting—**

**Senator PRATT:** I wish I could gag you from interjecting on this, Senator Macdonald. I want the prevention of gag clauses enshrined in law, so that those opposite, if they ever want to undo this, will have to stand up in here and justify themselves. I would like to see you try, but I have every expectation that you will.

I am dismayed that the Queensland Minister for Health defended the idea of a gag clause, saying the tighter grant rules are about 'stopping abuses that occurred under the previous Labor government'. That is a nonsensical statement. These are some of the things that are included in the gag contracts:

The Organisation must also not include links on their website to other organisations' websites that advocate for State or Federal legislative change.

Queensland Health have a really proud history of funding organisations proactively to advocate on public health measures. It is their job to advocate. It should be in their DNA to advocate. We rely on these organisations to create community and cultural change over time, to drive change in our community, so that we in parliament can listen and respond to the things that need to
be changed. Yes, sometimes it is hard to be criticised; sometimes we do not like it. But that is how change happens in this country. That is how good emerges. It is how we amend and change our laws to advocate for better things in the future. Imagine these kinds of gag clauses on a state disability service. What would that actually mean? What would that mean when it comes to something like advocating for the NDIS or for better results for people with disability? I do not think the coalition have any respect for freedom of speech in this country; otherwise they could not possibly entertain the idea of gagging or organisations like this.

The Newman government has argued it wants to fund outcomes and not advocacy. I am here to tell you outcomes and advocacy are intrinsically linked. You do not get the outcomes without public debate, public engagement and public understanding of the issues that are being discussed. You can raise awareness about issues and advocate along those lines. With raising awareness comes the need to be critical, the need to criticise and the need to sometimes object. The importance of advocacy cannot be understated.

It is the groups on the front line delivering these services who most often know what changes need to be made in our public policy or in legislation. The idea of gagging these organisations is a complete corruption of free speech in this country. We want to partner with not-for-profit organisations to develop policy reforms and this means we need critical public debate in this country. It means that the government needs to vocalise its views and the not-for-profit sector also needs to vocalise its views, and we may not always agree. The Howard government gagged non-government organisations for many, many years. They were very dark, dark days under the last coalition government when Mr John Howard attacked the legitimate right of the not-for-profit sector to represent and advocate for its members and for vulnerable people. When those opposite try to lecture us on this side of the chamber about free speech, it is really very rich.

But let us look to some of the other things that are shocking about the coalition's position on free speech in this country. Let us take, for example, the shadow communications minister. Yesterday, on his Facebook page, he was found to be encouraging Senator Conroy to sue News Ltd for defamation. He also used a defamation writ to stop the *Sydney Morning Herald* reporting allegations about an ex-girlfriend's cat. Talk about taking your opposition to free speech a little far! I do not want to be lectured on free speech by all of those opposite. The shadow communications minister even used a defamation writ to stop his political opponents questioning whether he was fit for public office. The shadow communications minister has a deep desire to limit free speech when it is critical of him. It is utter hypocrisy for the coalition to be expressing these views.

Freedom of speech in this country is something that I think will be well served by greater diversity laws in the media. These laws are currently vulnerable. They currently do not go far enough. They need strengthening. Indeed, a public interest test is an important addition to media regulation in this country. Diversity in media is in fact an important principle in the promotion of free speech. It is consistent and an enhancement of free speech, but it is not surprising to me that vested interests in this space might seek to speak up against it and it is not surprising to me that those opposite should be captured by those vested interests.

We know that the Howard government watered down cross-media laws in the
country. We also know that today there are economic pressures on a great many media outlets—economic pressures that are seeing some smaller outlets quite vulnerable to being gobbled up by larger entities. The idea that we should seek to strive for some balance in an environment like that and the idea that you could argue that that was a threat to free speech to me seems quite ridiculous and it seems to me to simply be an illustration of those opposite being captured by vested interests.

This government want to stand up for free speech. I will give you a very clear example of that—that is, our commitment to journalist shield laws. This is a very important provision. Just this week in parliament we have seen an inquiry into allegations of a breach of parliamentary privilege in relation to a committee report. We know the importance of shield laws and what protection a journalist may or may not have. I am not going to get into an in-depth debate about whether privilege was or was not breached in this circumstance because I do not have a view about it, but what this illustrates is that the desire for journalists to protect their sources is a very live issue.

Under Labor, journalist shield laws were introduced to protect journalists and the confidentiality of their sources. We decided to introduce shield laws because we were motivated by what I think was disgraceful conduct by the Howard government towards News Ltd journalists. They were Michael Harvey and Gerard McManus. Those journalists faced contempt of court proceedings when they did not reveal the identity of whistleblowers that sought to expose the gross maladministration of veterans' entitlements by the Howard government. There you go—an example of those opposite clearly abrogating a responsibility towards free speech in this country. And why were they trying to avoid free speech? Why were they trying to oppress the rights of these journalists to protect a whistleblower? Because it was in their narrow sectional political interests to do so. We get nothing but hypocrisy from the coalition on this question of free speech. Indeed, even Malcolm Turnbull has been using—

The ACTING DEPUTY PRESIDENT: Mr Turnbull, Senator.

Senator PRATT: Sorry, Mr Turnbull. I apologise for consistently breaching this standing order. I will try to do better. Mr Turnbull has consistently used defamation to silence critics. Under Turnbull, when he was minister—

The ACTING DEPUTY PRESIDENT: Order, Senator!

Senator PRATT: When Mr Turnbull, the member for Wentworth, was the relevant minister for freedom of information, the Great Barrier Reef Marine Park Authority refused to process an FOI request from Peter Garrett. They refused to process it unless he paid $12,000 in fees. Mr Garrett put in an FOI request for simple documentation and it was a $12,000 set of charges. The member for Wentworth and his department refused to reduce these fees on public interest grounds because they said it would help the ALP during the 2007 election campaign. How is that a proper test of public interest? What we are talking about in media laws is indeed a proper test of public interest. To conclude, it is completely hypocritical for those opposite to carp on about freedom of speech in this country in the way that they have today. Freedom of speech is a nuanced thing; we do have some limitations on it in things like racial vilification. (Time expired)

Senator MASON (Queensland) (17:40): Senator Fifield's motion today regarding free speech is an important issue. Let us face it, issues such as freedom of speech raise the
ideological temperature of our parliament and they bring to the surface often latent differences between political parties and different streams of ideology. The debate this afternoon has brought to the surface some of the distinct differences between social democracy—as exemplified by the Labor Party—and liberal democracy—as exemplified by the Liberal Party and the National Party. Those differences have come to the surface this evening.

For what it is worth, I do not think that Senator Conroy is akin to Mao or Fidel Castro or Ahmadinejad or Robert Mugabe or Kim, or indeed even Joseph Stalin. Joseph Stalin is getting a good run at the moment. I do not think that Senator Conroy is akin to them one little bit. Indeed, I do not think that he is a Marxist. If the members of parliament—the senators in this chamber—are candid, we would accept that the press are not all angels. Let us face it, this is not a time to romanticise the media. I am not yet in the mood to cite Thomas Jefferson, but there is an important aspect of principle involved in this debate nonetheless.

To oppose the government's attempt to extend its reach over the media is not to idealise the media; that is a different thing. Practising politicians all know that the media can be good, but it also can be bad. It can be productive, but it can also be very destructive. It can be impartial, and yes it can be biased, I accept that. It can be educational and do great things, or it can be very lowbrow at other times. It can be fair, or sometimes the media can be malicious. It can be, I accept that. Sometimes the media just gets it awfully wrong. With freedom, it seems, good sometimes can come with a little bit of bad, or sometimes even a lot of bad. This is the price we have to pay for freedom.

The French writer, the Nobel laureate, Albert Camus, said:

A free press can, of course, be good or bad, but, most certainly without freedom, the press will never be anything but bad.

To me that summarises the argument. Press can be good, it can be bad. The media can be good. It can be terribly bad. But an unfree one is always terrible. Free media in the end is the democracy of the word. Just like no-one is arguing that we should restrict democracy because we do not always like the results—all of us have been subject to that in this chamber—we do not always like the result of democracy but none of us would say it should not apply. We should not argue that we should restrict free press because we do not like or agree with everything that we read, hear or see. Frankly, speaking personally for a second, while I have always been treated pretty fairly by the media, I have had colleagues on both sides that have not always been treated fairly by the media, they have been, in fact, hard done by.

It was probably rough treatment on poor Senator Conroy yesterday, on the front page of the Daily Telegraph, and I accept that. I suspect that colleagues of mine on this side of the chamber, in the coalition, have been treated very badly at times by the media. It just comes with the territory of democracy. It seems to be the price we pay, though sometimes it is a painful price indeed.

Are the existing mechanisms adequate? Many of the speakers this afternoon have touched on that—the mechanisms for regulation: are they adequate? Our contention would be that sometimes they may not seem to be adequate, but overall they work pretty well. There is no real evidence that they do not work well. There are many mechanisms that are currently in place to deal with situations where the media does the wrong thing, or just goes bad. There are internal standards that are enforced by
the Australian Press Council—you would be aware of that, Madam Acting Deputy President, in the same way that many other professions self-enforce their own standards, whether that be in accountancy or the law.

Today I could not help but notice that Paul Whittaker, the editor of the Daily Telegraph, said in relation to the current regulatory mechanisms:

Since Professor Disney's appointment the Press Council's role has been strengthened significantly and this newspaper is committed to fully abiding by it.

Professor Disney, of course, is the chair of the Press Council. Paul Whittaker goes on to say:

Should a complaint be heard by the Press Council, we run its ruling in full and as prominently as possible, regardless of whether it is for or against us.

In the past year—

Mr Whittaker goes on to say—

this has happened three times. A ruling about headlines in our asylum seeker coverage that went against us we ran on page 6 (418 words), two other rulings that came down partly in our favour we ran on pages 18 (697 words) and 26 (573).

The point is that the system works. Sometimes it might seem a bit unfair—I accept that. But overall it works. Of course, if you have been defamed or slandered you can always go to the courts. That is always a possibility as well.

And finally, of course, there is competition, which means that if you do not like the way a certain media outlet operates increasingly you can always switch to myriad others. Contrary to what the government says—and I heard Senator Conroy today in question time—there has never been a greater diversity of media in this country. Like the 20th-century despots who stifled freedom of speech that the government resents being compared to, the government focuses solely on the old 20th-century media outlets: print, radio and television. I find this strange for a progressive party. Even putting aside the fact that these types of old media are now incredibly diverse due to the availability of so many more outlets, both domestically and internationally, thanks to the intranet, TV cable or satellite television, for a progressive party, really, increasingly the Labor Party is regulating the past.

Putting aside all that, the government ignores the huge impact of the internet, blogs and social media on the creation and dissemination of news and commentary. They are of course increasingly powerful agents of media, particularly among the young and, let's face it, even among the political classes. People like Mr Turnbull and Mr Rudd use tweeting all the time as part of their armoury of media. This, of course, has not even really been attacked or looked at by the government. The government is looking back and not forward.

Madam Acting Deputy President, if I am able to quote from the devil himself—the CEO of News Corp, Mr Rupert Murdoch—

The ACTING DEPUTY PRESIDENT (Senator Moore): Just clarifying the definition, Senator!

Senator MASON: from his Boyer lecture in 2008:

This competition is becoming more intense every day. Because technology now allows the little guy to do what once required a huge corporation. Look at the Drudge Report. Matt Drudge doesn't really create content. Instead, he finds content that he thinks is interesting, and puts it up on one of the internet's simplest pages. Readers come because they trust his judgment. And he is showing that good news judgment is something that can add value.

Even those who don't like him—

This is referring to Mr Drudge—
including many editors and reporters—click on to his website every day. In other words, with his single webpage, Drudge has succeeded in challenging the leading media companies of our day—including mine. And he has done it all with minimal start-up costs—a computer, a modem, and some space on a server.

That is the new technological terrain that the government has not even looked at. That is of course where influential media is going.

This debate about freedom of speech does reveal a real tension between liberal democracy and social democracy. Labor and social democracy parties of the Centre Left are largely statist. Ultimately, they always question the judgement of individuals, whether in welfare or in the area of the economy. Statist political parties such as the Australian Labor Party question the choices of individuals in welfare, in the economy and indeed even in the media.

This rhetoric of freedom of speech is always slightly threatening to the Centre Left. Pluralism, vigorous democracy and competition always worry the Left far more than it does the Centre Right. Always the Centre Left thinks, 'Oh, people's choices are wrong. People's understanding is incorrect; they might get it wrong. Freedom of choice is only good so long as the choice is something that the government—that is, the state—would agree with.'

I am going back to my university days here—it is a long time ago—but I do remember looking at the roots of social democratic parties—

Senator Sterle: A long time ago!

Senator MASON: A long time ago. Marxists talk about false consciousness. You would be aware of that, Madam Acting Deputy President. They said that the people, the citizens of the country, had to be guided to a correct solution, because the correct answer, the correct choice, they would not understand, they could not appreciate; they had to be guided by the commissars, and they had to be guided by the state. We might think today that is rather elitist. We might even see it as a little condescending, but it underlies much of social democracy today.

Social democrats and labour parties can be particularly condescending; whether it is the dialogue of human rights or freedom of the press, the left is always uncomfortable with vigorous pluralism, with competition, with freedom and with choice. For all the problems of liberalism—and there are many problems with liberalism—we have in the end one of the great confidences, and it is this: our great strength, liberalism's great strength, is to let freedom rip. And they cannot say that. The government does not have the confidence to let freedom rip.

Sometimes, sure, we do it in the economic sphere and it may create a lot of wealth but it sometimes creates inequality. It is not perfect; I am not suggesting it is perfect. But we have the confidence that people make choices and we have the confidence to let freedom rip. The Labor Party will never have that confidence in freedom. We always win that debate. We may lose others but we win that debate. That is liberalism's greatest strength.

We are not utopian. Again, for all our faults, liberals and conservatives are not utopian. We do not believe that mankind is perfectible. We do not believe that the state can shape mankind and make us perfect. We do not believe that. Our side knows that people will make wrong choices. We all accept that. It is part of democracy. It is part of freedom. But we are prepared to live with wrong choices, even bad choices, because they are the price of democracy and they are the price of freedom. Better that people, better that our citizens, or even the press, get it wrong than that the state dictate what is
right. It is always far better. And again we can say that with confidence; the Labor Party never can.

As I looked forward to this debate this afternoon I did something that I have not done for a long time. My friend Senator Ludwig would remember this; I pulled out my first speech—that is a long time ago too—because it does reflect on quite compulsive tensions between the Centre Left and the Centre Right. In my first speech I quoted the distinguished British historian Paul Johnson, who you would be aware of, Madam Acting Deputy President. He said:

The experience of our century shows emphatically that Utopianism is never far from gangsterism.

We have learnt that 'the destructive capacity of the individual, however vicious, is small; of the state, however well intentioned, almost limitless'. When it comes to the crunch, it is better that individuals get it wrong, even that the media get it wrong, than that the state muzzle our right to get it wrong. In the end, that is the price all of us pay for democracy. I say, we say, let freedom rip.

The ACTING DEPUTY PRESIDENT: Senator Sterle, you have the call, but there are only a few minutes remaining for this debate.

Senator STERLE (Western Australia) (17:57): Thank you. I did listen intently to Senator Mason's contribution. Even though I did wish he would hurry up so I could have a go. Thank you, Senator Mason.

I rise too to make my contribution. The responses to the legislation announced by Minister Conroy yesterday from sections of the media, I have to tell you, were absolutely gobsmacking. It would be irresponsible of me to not refer to the front page of yesterday's Daily Telegraph before I go into the context of the bill.

I am absolutely disgusted that those at the Daily Telegraph can actually think that it is intelligent journalism to compare Senator Conroy, our esteemed Minister for Broadband, Communications and the Digital Economy, to absolute despots. There are a number of despots in our sad history but when I saw that horrible head of Ahmadinejad, the Iranian president, I was sickened. Whoever thought this was a great idea at the Daily Telegraph is an absolute disgrace.

I have to tell you, as chair of the Parliamentary Friends of Australia and Israel and as someone who has been to Israel three times, I am trying to watch my tongue, because there are a number of words I could use about this. I think I would be within my rights to compare certain parts of the anatomy to the low-life at the Daily Telegraph who thought he or she or whoever it may be—

Senator Heffernan: Let it rip!

Senator STERLE: Through you, Mr Acting Deputy President, Senator Heffernan and I have had some wonderful conversations and we have referred to each other in wonderfully warm exchanges using certain names, but for the life of me I do not think I would have enough words to wrap my tongue around the words in the terms I would need to refer to the low-life that wrote—

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order! It being 6.00 pm, the Senate will proceed to the consideration of government documents.

Australian Agency for International Development

Senator MOORE (Queensland) (18:00): I move:
That the Senate take note of the document.

I take this opportunity in looking at this addendum to the AusAID annual report because it continues the work that was in the original report. I take the opportunity tonight to draw attention to the detail that was in the AusAID annual report and the fact that this was the first report that came out after the extensive review of AusAID that was done in 2010-11. This report picks up many of the recommendations that were put into that extensive review that was tabled and was widely read across the community.

I just want to make a comment that today we had the opportunity to meet a large number of young people who came to lobby across this parliament on the issues of stopping poverty in the world and stopping poverty through Australia taking its role in ensuring that we share in the national responsibility to address poverty in areas that desperately need our support.

The link to the actual document is the fact that these young people had intimate, detailed and professional knowledge of the way that the AusAID system operates. These are not juvenile enthusiasts who just take an interest in things that may excite them or the opportunity to be together with a group with whom they can meet and discuss; these young people understand the way that the AusAID process operates, they question it and they actually demand that the system operate effectively. They have personal commitment to ensure that they as potential Australian taxpayers—some of them are already taxpayers—understand and are part of decisions about where our aid is best used. They also have a genuine commitment to ensure that we as a government, we as a parliament, make a commitment to ensure that we increase our overseas aid commitment—that we move toward the public declaration that this government has made to 0.5 per cent of GDP. These people are not satisfied at reaching that commitment. I am sure many people in this parliament actually met with them and shared their enthusiasm, I trust. They want to have more of our GDP spent on meeting our international obligations. More than just saying, 'It should be more money,' they demand that the money be directed where it can best be used, and they have suggestions which they feed into what must be a national debate on this issue.

Too often we see the issues around AusAID being sensationalised in media contributions—and I am not going into the debate that we have just had about the role of media! In terms of the process, the positive stories about the way that Australian aid is being used across our globe to improve lives, to improve communities, to respond to the Millennium Development Goals which we share as a nation do not seem to have the credence and the attraction of being raised in the media of our country, which is very sad.

We can raise numerous examples of where Australian aid is being used effectively. But if it can be used in a way to show that there could be some misuse, if it can be shown in a way to create some inappropriate and artificial competition between where aid is best used and where it is not, that creates media attention.

We saw last weekend some media stories going out which I think were attempting to raise the debate in this way. What I say to that, and what the AusAID annual report points out, is that there are audit processes within our AusAID system. That audit process seeks out the way aid is used, the way the budget is put into place and the way that feedback must be put through to ensure that systems are done effectively.

We know that across the globe there are serious corruption issues in several governments in countries which need and...
demand our support. The role of the Australian aid program is to investigate thoroughly any area where we are likely to invest any money, professional help or advice. That is part of the process of an effective system, which is highlighted in the report. Then we should assess regularly along the way how the aid is being used and what the way should be into the future.

I believe that all of us should follow through the annual reports the way that our aid budget is operating. We need to be part of the discussion to make it better. I think by working with the young people who came to see us today we can be part of ensuring that we can guarantee to all Australians that AusAID is acting effectively for all our communities.

I seek leave to continue my remarks.

Leave granted.

Senator IAN MACDONALD (Queensland) (18:06): I also wish to speak to the motion to take note of the addendum to the Australian Agency for International Development report for 2011–12.

AusAID has over many, many years done a lot of good work for the people in less developed, less favoured countries than Australia. Indeed, AusAID spends a lot of taxpayers’ money trying to address some of the difficulties and problems, particularly related to poverty, around the world.

Like Senator Moore, I was also visited this afternoon by four young, enthusiastic, principled people from the Oaktree Foundation: Bronte Baldwin, Kani Martin, Kieran Dowling and Miriam Clarke. We had a chat for about half an hour about reducing poverty around the world. I was pleased to talk with these young people and to encourage them in the work that they do in trying to highlight the poverty around the world and how Australia, through AusAID and elsewhere, could indeed help.

I was pleased that they had a general view, as I do, that Australian aid should be directed, where possible, closer to home. It is my view that AusAID should be working principally in Indonesia, some south-east Asian countries, but particularly in PNG and the Western Pacific countries—countries to which Australia has, I think, a particular obligation. The members of the Oaktree Foundation and I had a chat about this and I was delighted to also hear their views.

As I said to members of the Oaktree Foundation today, whilst AusAID has over the years done a good job, there is some concern at present on the focus of AusAID and whether the delivery of some of its programs and some of its expenditure of Commonwealth money is appropriate. I would hope a government at the end of this year would have another look at that. There is a lot of disquiet up in my part of North Queensland about AusAID’s work in the western province of Papua New Guinea in dealing with health and, in particular, TB issues.

I was asked by the young people who called to see me whether I would be prepared to make a speech in the parliament, making a commitment to the goal that we all like to see or whether I would be prepared to attend a rally later in the year. I said to them, ‘I’m not keen to go to rallies until I see what they’re about and see whether there’s an underlying agenda.’ I also said, ‘If it’s going to be a rally where populist politicians get up and make all sorts of promises, then I do not think I want to be in the competition to make promises, unless I know I can discharge them.’ I said, ‘There are promises’—and I used the example of our Prime Minister, who, before the last election, promised hand on heart, that she would not introduce a carbon tax and then she did—and that people at these rallies will stand up and talk about AusAID and say, yes, we are going to
do this but, in the cold, hard light of day when the crunch comes and the budget figures come out, much as they would like to do it, they really are not in a position to commit themselves to that.'

I warned these young people—and they are only young; I do not want to discourage their view on politicians and the parliamentary process—and I said, 'Be careful of those who promise everything in relation to AusAID or any other issue that is of importance to you.' Certainly, AusAID does have a lot of money. It can be a force for real power and real good in our region. This report that we are discussing deals with some of the work that AusAID has done, but I am one of those who always think that AusAID can do a little bit better and I think the parliament needs to keep that under review.

The ACTING DEPUTY PRESIDENT (Senator Marshall): The time allowed for the consideration of government documents has now expired.

DOCUMENTS

Consideration

The following orders of the day relating to government documents were considered:


COMMITTEES

Finance and Public Administration References Committee Report

Debate resumed on the motion:
That the Senate take note of the report.

Senator POLLEY (Tasmania—Deputy Government Whip in the Senate) (18:11): On 7 March, the Senate Finance and Public Administration References Committee released its report Implementation of the National Health Reform Agreement. The focus of the inquiry, which featured 59 submissions and a public hearing in Melbourne, was on adjustments in Commonwealth funding for state hospital services under the Health Reform Agreement. The dissenting report from Labor senators, including me, clarifies the reasons behind this adjustment in Commonwealth funding to the states, which was announced by the Commonwealth Treasury on 3 November 2012.

The National Health Reform Agreement, announced in partnership with the states and Territories, in August 2011, ensures that more transparent funding of public health is based on services delivered and significantly increases access to care, to drive improved efficiencies. In the coming years Commonwealth funding will be directly linked to the actual level of services delivered by public hospitals, with funding being provided directly to local hospital networks. No longer will the states receive lump sums of cash from the Commonwealth. Instead, funding will rise as health service levels rise. It is a more efficient method of health funding and one that this government can be proud of.

Regardless of what you hear from those opposite in the chamber, the Commonwealth funding adjustment was undertaken in accordance with the terms of the Health Reform Agreement. All jurisdictions knew the agreed funding formula set out in the Intergovernmental Agreement on Federal Financial Relations. They knew that this formula was calculated with reference to population estimates, a health price index and a technology factor. It was no secret they signed up to it. It is a straightforward formula which reflects the costs of delivering public health services.
Prior to the release of the report, the committee held public hearings in Melbourne, as I said, and committee members heard detailed accounts of some of the false allegations that have been thrown at this government. One particularly revealing insight was provided by the Victorian branch of the Australian Nurses Federation. The committee heard from the branch's representative, Mr Paul Gilbert, that the Victorian government may have acted to ensure that the funding adjustment was implemented in a way that maximised service cuts to Victorians. Mr Gilbert stated:

It has been put to me that there was one example where a health service proposed to deal with the cuts by way of not closing any beds or reducing theatre sessions and that that proposal was rejected in favour of one that closed beds and reduced theatre sessions.

He went on:

I think [Victorian Health] Minister Davis … ensured that the impact was as severe as it could be in order to generate the positive outcome.

I must obviously put on the record, although I am sure everyone here is aware of this—I know Senator Ryan over there is—that Mr Baillieu is no longer the Premier. But the former Premier Baillieu's government strategy was to blame the Commonwealth and not own up to the decision it made to cut $616 million from the Victorian health system.

The dissenting report also noted that the Victorian Liberals departed from the normal process and refused to issue quarterly reports of elective surgery lists and emergency department waiting times. They did not enter into the statement of priorities with the state's Department of Health. They also failed to provide the independent Health Reform Agreement administrator with details on how they allocated Commonwealth funding. It was not like these were discretionary tasks that depended on the mood of the Baillieu government at the time; they were standard process. This information was not provided because the cuts to Victorian services were already intended. The Health Reform Agreement funding adjustment presented the Victorian Liberals with the perfect opportunity to attribute blame to the Gillard government. It was for this reason that the health minister decided to step around the dishonest Baillieu government and provide an emergency $107 million health rescue package to the state's Local Hospital Networks.

It was an extraordinary measure, but one that was absolutely necessary because the Gillard government was not going to let the Victorian Liberal government harm the health prospects of all of Victorian citizens. You should never play politics with your state's health priorities, but that is exactly what the Victorian Liberal state government was doing. We will have to wait and see how the Napthine government approaches the funding of the state's health services. We can only hope that he approaches this task with a greater sense of responsibility than his predecessor did.

The dissenting report also points out that the Health Reform Agreement actually features a dispute resolution clause that could have been employed to handle these health funding matters. It has not been triggered by any government, including the Baillieu government. If the Victorian government were genuinely concerned that the Commonwealth's actions were unjust, they could have used it at any time. But of course they did not do so, and we know why they did not do it: because, instead, all they wanted to do was play politics; instead, as I said, the Victorian government preferred to rely on the Commonwealth funding adjustment as a misleading rationalisation of their own funding shortfalls. The Health Reform Agreement ensures that all states
will receive additional Commonwealth funding for public hospitals compared to the previous arrangements. Some states have refused to meet the requirements of the agreement and properly perform their role as assistant managers, and this has had disastrous results for the service delivery in these states.

The Gillard government—that is, our government—is 100 per cent committed to reforming Australia's health system, and I would like to again encourage all states to transparently reveal how Commonwealth funding to the health system is being spent. All state governments, including the Victorian government, need to take responsibility for cuts in funding that occurred independently from the adjustments in Commonwealth funding announcements last year. We know very well on this side what Tony Abbott, when he was minister for health, did. He gutted health by $1 billion—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Order!

Senator POLLEY: and those opposite know that if they ever are to sit on this side of the chamber they will do exactly the same thing again!

Opposition senators interjecting—

Senator POLLEY: They will attack the most vulnerable in our community, like they—

The ACTING DEPUTY PRESIDENT: Senator Polley, just resume your seat for a moment. I would appreciate that when I call the Senate to order that people do not simply ignore that call from the chair, but rather that people come to order.

Senator Bushby interjecting—

The ACTING DEPUTY PRESIDENT: Well the noise was coming from you, Senator Bushby, primarily, so if people would accept the rulings of the chair we will get through this in a much more civilised manner.

Senator POLLEY: I note from their interjections that those opposite do not like the Australian community to know the real facts. I look at the senators over there and they are all smirking. They know what Tony Abbott, if he ever becomes Prime Minister—

Senator Bushby: Point of order—

The ACTING DEPUTY PRESIDENT: Yes—

Senator POLLEY: of this country, they know what Mr Abbott will do.

The ACTING DEPUTY PRESIDENT: Senator Polley, you need to refer to Mr Abbott by his correct title.

Senator POLLEY: I was getting a bit excited. I am concerned for the Australian community. The most vulnerable in our community depend on governments to be honest with them. We have to deliver the best health system that we possibly can. Having state Liberal governments trying to shift the blame onto the Commonwealth is going back to the past. What we are about is moving the health system forward. We know, and the Australian community knows, and I intend to keep reminding them at every opportunity, what Mr Abbott did when he was health minister. That is why the Australian community is so concerned about the threat of having Mr Abbott—

Opposition senators interjecting—

Senator Farrell: He ripped $1 billion out of the health budget—

The ACTING DEPUTY PRESIDENT: Order! Senator Polley, please resume your seat again.

Senator Heffernan: You're going to rip the heart out of the Prime Minister on Monday!
The ACTING DEPUTY PRESIDENT: Thank you, Senator Heffernan! The Senate will come to order—again.

Senator POLLEY: Thank you, Mr Acting Deputy President. It is nice to know that those opposite are listening to my contribution because this is really important. In Tasmania, we know what the Howard government did when interfering with the state health system. We know what they did to the north-west coast hospital. We know what that cost the Australian taxpayers. We know that, and I have to say, through you, Mr Acting Deputy President, Senator Bushby—you were not here in this place during the Howard government's time—we know what happened in Tasmania. Now, under the Local Hospital Networks, we will see over the coming period of time how things will improve for the delivery of health services to our Tasmanian community.

But it is not just having the Liberals back in government at a federal level that we have grave concerns about. What will they do in health? We know they have a track record. We know Mr Abbott's track record. We know what former Prime Minister Howard's track record was. If it was only health, maybe the community could come to terms with that. But we know, when it comes to aged care, when it comes to industrial relations, what those opposite will do to the Australian community. So we on this side will always work to ensure that the most vulnerable in our communities have good access to good health care, that they have access to good dental care. That is going to be our priority. We will continue to do that. We on this side will do all we can to ensure—

Senator Carol Brown: Your negativity.

Senator POLLEY: That is right: no matter how negative you are, no matter how many times you come in and vote down good legislation, we know, as the Australian public know, the Australian community's priorities. They know that they can rely on the Gillard Labor government to deliver good outcomes as far as health is concerned. They know we will deliver good outcomes when it comes to aged care. They know we will deliver good outcomes as far as education is concerned. We also will do everything that we can to ensure as many Australians as possible who want to be in full-time work and have work opportunities are supported by this government. That is what the figures demonstrate here today.

Senator RYAN (Victoria) (18:22): I had to check my phone to see what the date was. It is still 17 days until the Melbourne Comedy Festival starts. That is pretty much the sort of performance we will see at the Melbourne Comedy Festival—if only it were not such a tragic comedy. I had the privilege of chairing the Senate Finance and Public Administration References Committee inquiry into the implementation of National Health Reform Agreement. Let us go back and address the facts of what happened.

In the profoundly misleading and untrue ads that every taxpayer in Australia is paying for in the Herald Sun and the Sunday Age on a weekly basis the government's own officials admitted that they ripped $107 million out of the Victorian health system for the years 2011-12 and 2012-13. I want to highlight the absurdity of what this involves. In December last year the Commonwealth sought $36 million from the Victorian health system for health care that was delivered between 1 July 2011 and 30 June 2012. I do not know if letters went out to patients who had been in the health system in Victoria for hip replacements asking them to come back so they could take their new hip out. Health care is not like returning a video recorder. You cannot get a refund for health care.
Why was this the case? Because the ABS undertook a massive revision of the population numbers. As the ABS outlined, this was not a small intercensal error, which is when they recast population numbers over the last few years; this was three times larger than the largest intercensal error on record. They are backdating population figures for 20 years. When you compare the basis that they assume that they gave funding to Victorian hospitals for with the basis that they now want to fund Victorian hospitals for you see that they are assuming that in the last 12 months Victoria's population grew by only 11,000 people. That is farcical. In Casey or the city of Wyndham that many people move in in six months. To say that Victoria's population grew by only 11,000 people in 12 months is nothing short of ridiculous.

Here we have the key element of this. This was a political decision. It was a decision in order to reach the mythical surplus, the pot of gold at the end of the rainbow that this Treasurer can never quite catch, and to come up with some sort of accounting trick. The people who were going to pay for that were Victorian patients. What is worse is that they were seeking to make patients on waiting lists today pay for mistakes the Commonwealth made two years ago. They are reducing funding today for health care delivered 18 months earlier. How is that fair or reasonable? The underlying logic of that is that the waiting lists were not long enough in July 2011, in January 2012 and in July last year so they are going to lengthen them now in order to try to achieve a surplus.

The Secretary to the Department of Health and Ageing claiming that the Commonwealth had no option but to implement these cuts—no capacity whatsoever; it all had to be followed to the letter of the agreement—leads me to two conclusions. If the ABS changed its population numbers by even more—let us say it was five times greater than the previous greatest error; it was only three times greater than the previous greatest error in the history of the census—the logic of this government is that no matter what that number is it will not apply the common-sense test; it will simply strip that amount of money from Victorian patients. I suppose a lack of common sense is not a new accusation about this government.

Victorian patients know that that is not true. Under questioning, the secretary to the department, Ms Jane Halton, claimed that this was the letter of the law and the government could not avoid implementing these cuts, seeking refunds for treatment provided a year and a half earlier. Why on earth then the night before the hearing did the Minister for Health decide to throw a bit of money back in? If it was legal the night before the hearing to return this money to Victorian hospitals then it was legal to do it in December and not implement the cuts in the first place. You are caught by your own words, just like you were caught by your own words on the National Health Funding Pool.

What used to happen when funding payments were made direct to treasuries was you might lose a bit on health funding but gain a bit on education funding and you might lose a bit on disability services funding but gain a bit on aged-care funding. That meant the states had flexibility to actually mix and match. But, no. According to the former Prime Minister and the current Prime Minister—maybe the current Prime Minister and the former Prime Minister, we are never quite sure which way around when we see people madly SMSing in this place during question time—the wisdom comes out of Canberra. The four towers of people in Woden—none of whom treat a single
patient—have all the wisdom of our public health system, not the states who own the hospitals and not Catholic Health Australia that runs some hospitals. The wisdom comes from Woden. The great fallacy and conceit of this Labor government is that Canberra knows best.

What we have under the National Health Funding Pool is transparency. It is what Kevin Rudd wanted for so long. It is what the current Prime Minister, Ms Gillard, wanted for so long. It is the National Health Funding Pool that caught this government's hands in the till. This Health Funding Pool shows that they pulled out the money, so they cannot claim that they were state funding cuts.

You know the Labor Party are desperate when they resort to a quote from the ANF. Under sustained questioning the ANF would not criticise the Labor Party—surprise, surprise to everyone who works in the health system! Well, knock me down with a feather. We know the ANF just runs the Labor Party line. We do not know which of them are going to end up in parliament. We will probably find some of them in the Senate after the next election. They would not criticise the Labor Party, yet every other stakeholder who came before us said that you cannot seek refunds for health treatment delivered 18 months ago, which is what they were doing.

You have the flexibility to implement changes to ABS population statistics in a different way, which they proved themselves the night before when the minister for health made the desperate announcement that $107 million was going to be tipped back in. Then of course we saw the asterisk. There is always a footnote with this government; there is always a catch; there is always the fine print. The fine print is that despite the fact that they are cutting funding for operations that hospitals performed 18 months ago, they are going to strip Victorian taxpayers of other funds that could very well support the Victorian health system, whether that be through hospitals, aged care or preventative health, and support Victorian schools. We are going to strip Victorians of other funds and make them pay, and that yet again demonstrates what is at the heart of the Labor Party. We saw it earlier today in the debate on free speech: a glaring authoritarianism. Do what the unions want in the workplace or the thugs will do a run-through as they did in eastern Melbourne a decade ago. Remove any restrictions on illegality or unions running amok in the building industry. Now it is about punishing Victorian taxpayers for the Victorian government doing nothing less than saying, 'The Commonwealth has taken $107 million off us, so we don't have $107 million to spend on our health system this year.'

But there is also another catch. The government have said that we will get this money back. This is the problem: when the government did cut funding in December and those changes were made with the statements of priorities and the health networks in Victoria, people lost their jobs, operating theatres were mothballed, staff were told to go and find other work and priorities were rearranged. Despite the money coming back—not a single dollar has arrived in a Victorian hospital since this announcement three weeks ago—it is absolutely impossible for most of our health systems to do a catch-up of three months in three months. They would have to do almost double the work planned in the coming three months in order to fill the gap that the Labor Party caused by stripping.
So we have recommended in this report that the Commonwealth never again cut funding on the basis of services already delivered. The Commonwealth is the financial gorilla in this federation, to one of its great flaws. If the Commonwealth gets its population statistics wrong then the Commonwealth, not patients, should bear the cost. It is not like returning a particular good that you purchased. That cannot be done in health care. The committee has also recommended that the Commonwealth immediately desist from its threat to punish Victorian taxpayers for the funding cuts it undertook. We also recommend that the Commonwealth should not seek to create more red tape and bureaucracy despite their absolute love for it. It seems like it is a job plan for this government to create more people filling out forms. By going to the hospitals and health networks directly, they are just going to force more compliance costs. I fear to see what these MOUs are going to contain in terms of reporting and compliance.

We have also recommended that consideration be given to a further inquiry into the total health price index formula because it clearly is not capturing some data, but this government stands condemned for its behaviour in this matter.

Senator FIERRAVANTI-WELLS (New South Wales) (18:32): I too rise to make some comments in relation to what has been another debacle by this government in the health space. As Senator Ryan has justly said, they were forced to back down in relation to Victoria. Then they had to take out full-page advertisements in the *Herald Sun* and the *Age* to try to spin their way out of another health debacle. It was more expensive political spin that could not hide the fact that this government promised a certain amount of funding, cut that funding mid-year while trying to cobble together their surplus and now has to restore that funding for one state.

And what were the consequences of this bungle? As Senator Ryan correctly said, services had to be cut. Victorian patients, their families and hospital staff had to endure enormous stress and uncertainty because of these cuts. But what about New South Wales, Queensland and elsewhere? In particular, in the palliative health space the government has failed to provide any certainty for palliative-care patients, with the imminent cessation of funding for a whole range of services which were due in June 2012. Palliative patients around the country are set to miss out on services as a consequence of this latest health debacle.

There was federal funding for palliative care, including community palliative care. The Senate did an inquiry last year into palliative care and, given the recommendations of that Senate inquiry, to now have this sort of consequence in this space is really quite sad. Federal funding for palliative care, including community palliative care under the National Partnership Agreement on Hospital and Health Workforce Reform will cease on 30 June this year. This is a double blow for the palliative-care patients and their staff following the $1.6 billion which was withdrawn from public hospital services, including these notorious mid-year cuts that we have just spoken about. Palliative Care Australia understandably are very concerned about these hospital cuts. They are ‘deeply concerned that the use of retrospective adjustment to funding levels announced through the national health reform agreement is creating immediate funding crises’.

I also want to use this opportunity to correct the record yet again. Here is Senator Polley touting misleading, wrong information from those opposite, who continue to parrot this misrepresentation about the time when Tony Abbott was the
Minister for Health and Ageing. Let me once again say for the record that this claim that funding for public hospitals decreased by $1 billion under the coalition government is false, misleading, wrong—a lie. Australian government funding for health, including public hospitals, increased significantly under the coalition government. According to the Australian Institute of Health and Welfare, Australian government expenditure on public hospitals increased every year from approximately $5.2 billion in 1995-96 to over $12 billion in 2007-08. Annual spending on health and aged care by the Australian government more than doubled from $19.5 billion in 1995-96 to $51.8 billion in 2007-08.

Australian government funding to the states under the Australian healthcare agreements was $42 billion between 2003 and 2008 compared to $31.7 billion between 1998 and 2003 and $23.4 billion between 1993 and 1998. The 2003 to 2008 Australian healthcare agreements provided a 17 per cent real increase in funding compared to the previous agreement. The government's claims are untrue. In 2003 the coalition government provided an extra $10 billion for public hospitals in the Australian healthcare agreements. Funding for public hospitals from 2003 was 83 per cent higher than under the previous Keating Labor government.

A change in the growth rate of the Australian healthcare agreements due to higher private health insurance coverage and other demographic changes was reflected in the forward estimates in 2003. However, public hospital expenditure continued to increase by 17 per cent in real terms in the 2003 to 2008 Australian healthcare agreements, contrary to the false, misleading, wrong assertions that those opposite continue to make in this place. It is a lie what you keep saying in relation to the time when Tony Abbott was health minister. These are the facts that are on the public record. They are figures from the Australian Institute of Health and Welfare. They have been provided to me in estimates by your government. So do not come in here and continually—

The ACTING DEPUTY PRESIDENT (Senator Marshall): Senator Fierravanti-Wells, I would like you to address your remarks through the chair, please.

Senator FIERRAVANTI-WELLS: Those opposite should not come into this place continuously and peddle this lie when you have continuously provided this information to me in estimates. It has come from your own officials, it has come from your own government, it has come from your own health department. So don't come in here as Senator Polley and others continually do and lie about the facts that are on the record.

Senator Carol Brown: Mr Acting Deputy President—

The ACTING DEPUTY PRESIDENT: Senator Fierravanti-Wells—

Senator FIERRAVANTI-WELLS: I withdraw that.

The ACTING DEPUTY PRESIDENT: You will withdraw it. Thank you.

Senator FIERRAVANTI-WELLS: I have withdrawn it, Senator Brown, so you can sit down.

Senator Carol Brown: You are not in charge, so sit down yourself.

The ACTING DEPUTY PRESIDENT: Resume your seat, Senator Fierravanti-Wells. I remind everybody I am supposed to be in charge and I would appreciate everyone having that view as well. Senator Brown on a point of order.

Senator Carol Brown: My point of order was to ask the senator to withdraw properly and not just as an aside.
The ACTING DEPUTY PRESIDENT: There is no point of order. Senator Fierravanti-Wells has withdrawn.

Senator FIERRAVANTI-WELLS: My, my, my, the quota girls are touchy this afternoon. I come to another point and I would really like to say—

Senator McLucas: Mr Acting Deputy President, I raise a point of order. Senators in this place should refer to each other in a respectful way and Senator Fierravanti-Wells is obviously very well aware that that comment had to be withdrawn this time last week. I think it is disrespectful to the Senate, when somebody actually knows that a comment was deemed to be out of order a week ago, that she would intentionally use it, and I request her to withdraw it.

The ACTING DEPUTY PRESIDENT: I think you should withdraw that, Senator Fierravanti-Wells.

Senator FIERRAVANTI-WELLS: Since I have used it on a number of occasions and some chairs have asked me to withdraw and others have not, perhaps we might have some consistency in ruling. If it offends those opposite, yes, I will withdraw it.

The ACTING DEPUTY PRESIDENT: I think you should withdraw that, Senator Fierravanti-Wells.

Senator FIERRAVANTI-WELLS: Since I have used it on a number of occasions and some chairs have asked me to withdraw and others have not, perhaps we might have some consistency in ruling. If it offends those opposite, yes, I will withdraw it.

The ACTING DEPUTY PRESIDENT: Let us be very clear: I will be very consistent, so I hope you will not use it again.

Senator FIERRAVANTI-WELLS: I will be very careful, Mr Acting Deputy President.

The ACTING DEPUTY PRESIDENT: Have you withdrawn?

Senator FIERRAVANTI-WELLS: I do withdraw it. I might move to the hypocrisy of the HSU in regard to the Gillard government's $1.6 billion hospital cuts. Here we have federal Labor and the Gillard government cutting $1.6 billion in hospital funding, which is causing closures of hospital beds, the shutdown of operating theatres and the reduction in capacity of emergency departments. And the Health Services Union—surprise, surprise—remains silent on this point. It can only be such a hypocritical move. Instead of running a campaign against the New South Wales government, including stop-work protests about possible privatisation of one hydrotherapy pool, perhaps they could address their minds to looking after their workers in the health sector and complaining about this government's cuts of $1.6 billion.

We know the history of the Health Services Union, particularly when one looks at Mr Thomson's and Mr Williamson's activities in relation to that union. So one would have thought that, having been so criticised in this place and in the other place and generally through the media for their conduct in relation to dues of their aged care workers and health workers, that in this situation, given what was happening in their own area, they would have got off their backsides and actually done something constructive in relation to what is going on in the health sector by this government. But no, instead of fighting these reckless retrospective cuts which are having such an impact in the health sector and which of course are affecting its members, the HSU is engaging in phoney political battles in an election year in New South Wales. I say to the Health Services Union: after all your antics, it is about time you actually return to work and do something constructive for your members.

Question agreed to.

Constitutional Recognition of Local Government Committee

Debate resumed on the motion:

That the Senate take note of the report.
I rise to take note of the Joint Select Committee on Constitutional Recognition of Local Government final report on the majority finding of the Expert Panel on Constitutional Recognition of Local Government: the case for financial recognition, the likelihood of success and lessons from the history of constitutional referenda. As deputy chair of this committee, I would like to take this opportunity to thank the secretariat for the hard work that they did, which included travelling to Sydney twice for two hearings. I would also like to thank the chair of the committee, Michelle Rowland. I understand it was her first time chairing a committee, and she did an excellent job. With that, I do not necessarily agree with all her findings in the final report but, as a chair, she did a very fair and reasonable job and I acknowledge that. I would also like to thank all the fellow committee members, all those who submitted to the inquiry and the witnesses who attended at the two hearings and assisted the committee with its deliberations.

Throughout the parliamentary inquiry process into the constitutional recognition of local government, coalition members and senators were astonished by the government's extraordinary lack of action to put in place any of the steps that would lead to the pre-conditions for success that were highlighted by witnesses to the committee and also by the government's very own expert panel set up to look at these issues. I do not know whether this is just another case of policy on the run—and that would not be surprising given this government's past record—or maybe a cynical attempt to fulfil an election promise to hold a referendum during this parliament, with a totally cavalier attitude about the question itself and whether it gets up or not. But, having worked through the inquiry process, I suspect the latter was probably the case, although I acknowledge that it is entirely possible that this is just another example of a totally dysfunctional government—a government which generally is always paying lip service to the politics of an issue, with an eye on the 24-hour news cycle, rather than focusing on the actual end outcomes for stakeholders and the benefits of good policy for the Australian people at large.

Despite this, the coalition has approached the issues considered by the committee on their merits. The coalition has indicated support for action to address High Court introduced uncertainty in respect of direct Commonwealth to local government funding and that constitutional change provides a pathway to address that uncertainty. This support for a constitutional fix was always provided subject to consideration of the specific change to be proposed by the government and to that change being limited to the removal of the question of constitutional validity in relation to direct Commonwealth funding, but extending no further.

Coalition support for action to address funding issues was also offered in the expectation that all practical and reasonable steps would be taken to ensure that the Australian population was well educated on the referendum question and in a position to make an informed choice, because, as past history in this country shows, a disengaged population with little understanding of the issues around a referendum question tends to vote no—a fact to be particularly mindful of, considering a similar question has already failed twice before at referendum, once in 1974 and again in 1988.

Coalition members of the committee were particularly mindful of the term of reference which called for an assessment of the
'likelihood of success of a referendum'. But, primarily because of the lack of action taken by the government to pursue the expert panel recommended course of action, the committee had to make its final findings without the benefit of key information that would enable us to make such an assessment. There is no doubt that the pre-conditions for success, as outlined by the expert panel and put forward by the Australian Local Government Association, have not been established. To proceed to a referendum on this issue without those pre-conditions for success being at least substantially met will not only result in a decreased likelihood of success but also involve the spending of many millions of taxpayer dollars on a referendum that was never properly considered.

The Labor government's Expert Panel into the Constitutional Recognition of Local Government stated in its final report, which was delivered in late 2011, that:

The majority of panel members support a referendum in 2013 subject to two conditions: first, that the Commonwealth negotiate with the States to achieve their support for the financial recognition option; and second, that the Commonwealth adopt steps suggested by ALGA necessary to achieve informed and positive public engagement with the issue, as set out in the section of this report on the concerns about a failed referendum.

As mentioned, the government's expert panel report was released in December 2011—at the time, around two years prior to the latest possible election date. Therefore, the recommendation of that report could and should have formed a starting point for such negotiations and public education campaigns at that time. Instead, we have a situation where this Labor government sat on the report for over 18 months.

The committee's preliminary report was tabled on 24 January this year. All members of the committee at that time stressed the need for urgent action to address these pre-conditions for success. However, evidence received at the committee's second hearing shows that the minister did not write to state and territory governments until sometime around mid-February—around three weeks after the delivery of the preliminary report—and, in doing so, requested the states and territories to advise their position by 4 March 2013. This meant that the government expected the committee to finalise recommendations for the final report prior to obtaining all responses from the state and territory governments On the back of the almost two-year delay in setting up this committee or taking any other step recommended by the expert panel, this further delay is again inexplicable given the importance the expert panel and all members of this committee placed on the need to obtain and understand the views of the states.

It is important to remember that conventional wisdom, backed up by evidence received by the committee, is that opposition by a majority of state governments vastly increases the likelihood a referendum will fail. But the government, despite having recommended wording from the expert panel in 2011, failed to engage with the states on that wording, to test their response and to negotiate and work with them with a view to maximising the prospect of support. On the contrary, the government approach suggests the support of the states was irrelevant to their objectives, which appear to be more about being able to say that they held a referendum than concern about the actual result.

Despite the inexplicable delays by the minister in seeking to meaningfully engage with the states on this issue, state governments are known to have made previous statements and comments—including in submissions to this inquiry—
that are, to some degree, indicative of their thoughts on the referendum question. Despite broad acceptance by states of the principle of recognition to clarify the Commonwealth/local government financial status, known comments by all states include, at least to some extent, qualifications based on concerns regarding the potential impact of constitutional change. In some states, this has manifested as a reluctance to absolutely commit pending engagement on the actual question and, in others, a stronger rejection unless all concerns can be addressed.

Their concerns seem mostly to relate to the potential impact of proposed constitutional change on state governments’ relationships with local governments but also extend to the potential impact on state powers.

For example, one state that forwarded correspondence—which was not able, due to timing, to be accepted as a submission—was concerned that the proposed amendment might later be found by the High Court to give rise to an implied constitutional obligation on the states to maintain particular systems of local government. Evidence received, particularly by constitutional experts at the first hearing, suggested that such concerns may hold some basis. If the concerns of some state governments are justified, the acceptance of the proposed constitutional change could have an impact that extended further than intended, and this would be of concern to coalition members of the committee.

As mentioned, the coalition’s support of appropriate financial recognition of local government in the Australian Constitution is limited to removing the question of constitutional validity in relation to direct Commonwealth funding. No coalition undertaking has been provided to support change that extends, directly or indirectly, any further than this and, from the perspective of the coalition members of the committee, change that extended further than that would fundamentally impact the likelihood of their support for that change.

The second of the preconditions for success put forward by the expert panel relates to the desirability of decisions made by Australians in relation to potential changes to the Constitution being made on as fully informed a basis as possible. History shows that where a proposed change is worthy of support a well-informed Australian public will be more likely to support it, and if a proposed change has potential pitfalls a well-informed public will be more likely to identify those problems and vote accordingly. This notion is supported by the constitutional experts who appeared before the committee. Yet, again, no work has been done despite clear recommendations by the expert panel.

In addition to concerns regarding hard campaigning on the issues pertaining to the referendum, the government’s inaction now presents challenges for the actual administration of the referendum. Officers from the Australian Electoral Commission appearing before the committee noted that the guidelines for information advertising would not be able to be met, as the requirement of 27 weeks would be impossible to achieve given the date of this report and the nominated election date. We on this side of the chamber note that the chair’s preliminary report recommended action be taken immediately to put in place the necessary steps to hold the referendum in conjunction with the 2013 federal election. Even then we held concerns that the time was insufficient, but we remained open to the prospect that such immediate action may address those concerns.
However, it is clear that, as with so many things, this government has failed to act. Urgent and immediate action has not occurred, and as such it is my view and the view of the majority of the coalition members of the committee that there is no longer sufficient time to get everything in order to hold a referendum with the 2013 election.

Question agreed to.

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

Debate resumed on the motion:

That the Senate take note of the report.

**Senator HEFFERNAN** (New South Wales) (18:54): It has been quite a robust debate here today—congratulations, ladies; it is nice to see a bit of passion in the chamber. I rise to speak on the management of the Murray-Darling Basin report from the Rural and Regional Affairs and Transport References Committee. I congratulate the committee. We are an unusual committee, for anyone who pays a visit but does not belong there permanently. It is an unusual culture, with a hardworking secretariat. We tend to give unanimous reports, and I am pleased to say that this document, which has 23 recommendations, is a unanimous report of all parties in this parliament, as was the coal-seam gas interim report of this committee.

It is a huge report, which brings together what for many years, under many governments of many persuasions, has been a bit of a mess of water management in Australia. Politics versus science and political interstate rivalries have tended to try to outsmart Mother Nature, but Mother Nature is the referee, as Acting Deputy President Stephens knows—how are things at Goulburn?

**The ACTING DEPUTY PRESIDENT** (Senator Stephens): Perfect.

**Senator HEFFERNAN:** We have a serious problem in Australia—the world has a serious problem in the future global food task, and everyone manages to focus on the global energy task. This report deals with the Murray-Darling Basin and the fact that over the years there have been some dreadful errors in judgement due to lack of knowledge and lack of science. We still do not know the interconnectivity between some of the aquifers and the rivers, but what we do know is pretty alarming. We know that the Murray-Darling Basin has 73 or 74 per cent of Australia's irrigated farming production. Some of that irrigated farming production is very efficient; some of it is very inefficient. We tend to ignore the research required to manage the global food task, and we tend to take our food granted when we go to Coles, Woolies, ALDI and others—we think, 'There's the tucker; we're all right.' But it is not all right.

The future global food task is one of the serious issues behind the committee's report, which is trying to make the best of what we have in what is inevitably a declining resource. Over the years we have made mistakes—by governments of all persuasions and all political parties—such as the decision to make supplementary water licences tradeable. To overcome that serious mistake now would take hundreds of millions of dollars in compensation. We have the various categories of water: high-security, general availability, supplementary licence, sleepers, phantoms and terminal water. It was pretty distressing for the committee when the chief modeller of the Murray-Darling Basin, assisted by ABARES, was not able to give the committee a clear understanding of what the classes of the water were in the 2,700 gigalitres of proposed buyback water—the modeller did
not even know what terminal water was—nor of the effect of differences between buying high-security or supplementary water, or what the outcome would be for the river system.

I do not think we are going to outsmart Mother Nature. This report endeavours, with some calmness—bear in mind that it is a consensual report—to bring science into the consideration of the long-term management of the Murray-Darling Basin. The obvious task of the Murray-Darling Basin Authority, for Craig Knowles and others, was to bring a political solution, and in a way I think that was just a political solution to get everybody past the next election and not past the next 50 years.

We have also included in the report a serious need to look at things like the proposed flows of environmental water down the system from the buybacks. It is something like 15,000 megalitres and 7.3 metres, for instance, in the Murrumbidgee River at Wagga, which will have the inevitable effect of flooding a lot of country that should not be being flooded except in a genuine flood.

We have also recommended that the Australian National Audit Office look at the proposed Nimmie-Caira buyback of water, which I have described as a huge fraud to the public purse. I do not have time tonight to go through the detail of that.

The Australian National Audit Office noted the acquisition of Twynam's water, $300-odd million worth of water, where the Commonwealth was sort of bludgeoned into buying water they did not really want to buy to enable them to buy water that they wanted to buy. Despite the protestations in estimates and other places, I regularly have arm wrestles with the appropriate bureaucrats that there was not a process. How in God's name you can acquire $300 million of water from one entity without a tender for that water is beyond me. The Australian National Audit Office, in very polite language, noted that; so I think they should note the Nimmie-Caira buyback. I appreciate that this suits the various local members, because it is buying back water off a flood plain, which in a flood will go back down the flood plain. To put that in perspective, if the people that are behind it win, they have won lotto; if they do, good luck to them. But I do say that it is like the issuing of—I had better not get into that—Cubbie's licenses and then knowing before they issued them that they were going to sell them.

In the case of Nimmie-Caira they agreed at 2¼ times the market value of the water, which was based on an area flooded over the years, without an environmental plan and without any licences. To create licenses they agreed to buy the licences back from the people concerned before they created the licences, at 2¼ times the market value. We managed to get out of New South Wales parliament—which is an attachment to this report—how they were going to actually manage this. It works out about 11 times the market value of the land to get the water off the land, some of which is supplementary water artificially diverted from the Redbank and Maude Weirs—a lot of which is topped up with floodwater at times. The maximum area involved is a bit over 200,000 acres or 80,000-odd hectares, with a gross of something like 370 gigs and a net of about 170 gigs. A lot of the water is going to be acquired from farms that do not actually get the water except in an exceptional flood year. They are going to sell it back within months of issuing the licences under this proposal for 2¼ times the market value; yet, because it is commercial-in-confidence, the officials involved in this would not tell us what the market value is. But we do know it is a $185 million deal, and about $50 million
of that is to give scientists and bureaucrats, I believe, to figure out how they are going to shepherd water through this flood plain. There is no environmental study. It will turn into a poverty bush desert, because it is lignum country now. They say they somehow will buy this water off this flood plain and send it somewhere else; but, in Mother Nature's own powerful way, in a flood—because of the constriction between Balranald and Maude—it is going to go down the flood plain. They have allowed about $50 million in the purchase price to figure out how they are going to do that. They originally were going to turn these 200,000 acres into another national park, which would fill up with feral pigs, various weeds, nagura burr, Bathurst burrs and a huge fuel load for a fire—just like Yanga Station next door, which is a disgrace as a national park, and Moulamein up the road where the woolshed is falling down and it is an occupational health and safety hazard. Visitors cannot go into the woolshed because no one has any money to repair it, and no one has any money to look after the various weeds on the property—a beautiful sheep property in the Riverina.

This is why we think this whole proposition ought to go to the Australian National Audit Office. If the Australian National Audit Office has any brains they will come to people like our committee to work out why we think it is a dubious proposition. It is great politically, because it does not affect the irrigators, but in terms of making sense of Mother Nature, it makes no sense.

Finally, I congratulate the committee and the people concerned at the secretariat. I have to say we have done a pretty fair job to try to take the politics out of what has been a 100-year muddle. Bear in mind the Murray-Darling Basin is 6.2 per cent of Australia's run-off—23,400 gigs, and the science says that over 50 years we could lose half of that run-off. Whether it is right or wrong is yet to be known. I seek leave to continue my remarks.

Leave granted; debate adjourned.

**National Broadband Network Committee Report**

Debate resumed on the motion:

That the Senate take note of the report.

Senator WILLIAMS (New South Wales—Nationals Whip in the Senate) (19:05): I rise to take note of the Joint Committee on the National Broadband Network fourth report. I refer to one part of it which says:

The service was launched in Armidale, New South Wales providing a 12 Mbps downstream and 1 Mbps upstream service. The service was initially offered through five retail Service Providers (RSPs). Since launching, another seven RSPs have come online.

The NBN rollout in Armidale is a farce. Those are not my words. They are the words of the *Armidale Express*. Under the headline 'NBN roll out a farce: firms call for industrial precedent', the article states:

Multinational companies trading in Armidale’s largest industrial estate are among businesses to have been ignored in the roll out of the National Broadband Network.

The estate, located on the southern outskirts of town, is responsible for 12 per cent of Armidale’s economy, and businesses have been told the fibre optic network would only be rolled out if they paid the $225,000 bill.

How often have we had Senator Conroy in this place gloating about the rollout of the magnificent NBN, when here the businesses in Armidale that are responsible for 12 per cent of the Armidale economy, have got to cough up $225,000 if they want to if they want to have fibre to their business. This is amazing. I have asked questions during
Senate estimates about how much has been rolled out in Armidale, what has it cost et cetera, but we cannot get a decent answer. We cannot find out what is going on with this rollout and we get some general response from the NBN.

This is the answer I received about the rollout in Armidale. I asked: how much has been spent on the NBN rollout in Armidale; how many homes have been connected; how many businesses have been connected? This is the answer I received:

Now that the NBN Co. has reached volume rollout, it is impractical for NBN Co. to provide an ad hoc update of financial and deployment metrics to a level of granularity not already provided for public releases.

What does 'granularity' mean? I looked up 'granularity' and it means 'the extent to which a system is broken down into small parts'. I believe NBN Co. and the minister are treating this Senate with contempt. I asked: how many residences have been passed by NBN in Armidale? How many people have actually hooked onto it? What has it cost? We cannot find out. I am sure many people in Armidale are simply laughing about this.

As I said, the local paper, the Armidale Express, referred to the NBN rollout as a 'farce'. I believe there is not one high school in Armidale hooked up to NBN; not one public school in Armidale is connected; not one public hospital in New England has been connected; and, of course, this was the baby of Independent, Tony Windsor. What a great program this is going to be. But he would not back the cost-benefit analysis study into the NBN. No, he would not do that. Let's just cover it up.

Now we have businesses up for nearly one-quarter of a million dollars—these businesses are 12 per cent of the local economy in Armidale. 'Let's cough up a quarter of a million so you might be able to get a faster broadband system.' It has been an absolute embarrassment. When I talk to the locals in Armidale, they say the waste of money is huge. We cannot find out how much has been spent. 'Granularity' is all we get—some vague, ridiculous statement. I have put those questions on notice twice to NBN prior to Senate estimates.

This is what we are facing now. I asked further questions—of course, no answers, just vague general comment. It is just amazing. What has been covered up here? Is it so embarrassing to Minister Conroy and this government that this rollout has been so expensive, so inefficient? Now we have businesses having to come up with $225,000 if they wish to hook up to the NBN in Armidale. It was a big gloating system when Armidale was the first to launch, in Mr Windsor's seat of New England, where I live. It was politics being played when they went up there and flipped the big switch—but there was nothing hooked to the switch. It was a waste of $100,000 for a publicity stunt, but with this government taxpayers' money means nothing, just like debt means nothing with $267 billion of gross debt that you have racked up in such a short period of time. I do not know who is going to pay for it—we are not going to pay for it—but I can guarantee you one thing: in the next decade or two you will never see Australia back to the magnificent financial position that this government inherited from the Howard government. You were debt free with money in the bank. Now there is a gross debt of $267 billion. Of course, the NBN rollout is contributing to that debt. They do not even put it through the budget, just tack it on to the Australian Office of Financial Management, just book it up every month, keep spending. There is no accountability of what we are actually getting. It will come out in the end. We will find out. It might take some time but we will find out the truth.

Question agreed to.
COMMITTEES
Consideration
The following orders of the day relating to committee reports and government responses were considered:

Treaties—Joint Standing Committee—Report 132—Treaties tabled on 18 September and 30 October 2012. Motion of the chair of the committee (Senator Thistlethwaite) to take note of report called on. On the motion of Senator Kroger the debate was adjourned till the next day of sitting.

Human Rights—Joint Statutory Committee—Third report of 2013—Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Bills introduced 5 February to 28 February 2013; Legislative instruments registered with the Federal Register of Legislative Instruments 5 January to 15 February 2013. Motion of Senator Stephens to take note of report called on. On the motion of Senator Kroger the debate was adjourned till the next day of sitting.

Procedure—Standing Committee—First report of 2013—Electronic petitions; Routine of business. Motion of the chair of the committee (Senator Parry) to take note of report called on. On the motion of Senator Kroger the debate was adjourned till the next day of sitting.

ADJOURNMENT
International Women's Day
Senator McEWEN (South Australia—Government Whip in the Senate) (19:11): Every year on 8 March women all over the world join together to celebrate International Women's Day. In South Australia, we really get behind and support International Women's Day, and this year I was fortunate enough to attend a number of events and meet some wonderful and inspiring women.

The first International Women's Day was held in Europe on 19 March 1911. Meetings and protests were held across Europe with the largest street demonstration attracting some 30,000 women. The day sparked great public debate and advocates for attention to the absolute necessity of extending the right to vote to women to make parliaments more democratic. In 1913 International Women's Day was transferred to 8 March and has been held on that day ever since—and has become a global phenomenon. Increasingly, International Women's Day is a time to reflect on progress made, to call for change and to celebrate acts of courage and determination by ordinary women who have played an extraordinary role in the history of their countries and their communities.

The events held in South Australia last week were an occasion to look back on past struggles and successes and to point out what obstacles stand in the way of women achieving equality and how women and men can collaborate to overcome those obstacles to equality. Last Thursday, I was fortunate enough to represent the Prime Minister Julia Gillard at the International Women's Day Committee of South Australia's 75th anniversary celebration luncheon.

In 1938 the first official meeting of the South Australian International Women's Day Committee was held, attended by, amongst others, the Women's Council of Trade Unions, the Women's Peace Pledge Union, the Friends, the League of Women Voters, the Women's Welfare League, and there were many other women's groups there. Since 1938, the group has held a variety of public functions to celebrate International Women's Day in a variety of formats and 75 years on hundreds of people are still attending those functions. Last week's lunch was no exception. More than 600 women of all ages, from school students to pensioners, attended the lunch in high spirits to celebrate IWD 2013. I congratulate the current committee, including President Miriam Silva and Vice President Toni Jupe for yet another grand occasion.
Each year, the committee has endeavoured to host interesting and motivating speakers. This year, although the intended speaker was a last-minute withdrawal, the Director and Chief Executive of the Butterfly Movement, Dalice Kennedy, stepped in and spoke compassionately about her work in creating a shoe appeal that collects and sends new or barely worn shoes to children, women and men in need in Australia and around the world.

In previous years, memorable speakers at SA IWD functions have included Molly Byrne MP, the first female member of the Australian Labor Party to be elected to the House of Assembly in South Australia, who spoke about women in parliament in 1966. The following year, the legendary South Australian Attorney-General and former Premier Don Dunstan spoke about ‘the role of women, not only as wives and mothers, but as those who quite capably can combine career with marriage’—a revolutionary topic for the time.

Other just-as-great speakers have included then Justice, later Dame, Roma Mitchell, the first woman Supreme Court judge in Australia, together with the feminist author and journalist Anne Summers, and that was in 1971. In 1973 we had my friend, and the former President of the Legislative Council in South Australia, Anne Levy, still the only woman to have held that position. We had the Hon. Elizabeth Evatt in 1978 and, in 1986, the project officer for the trades and labour council and current South Australian member of parliament Stephanie Key. The South Australian International Women's Day committee really has done a fantastic job over the years in ensuring women's voices are heard and their achievements are recognised. This year, three major awards were presented: the Young Women's Community and Spirit Award, the Irene Bell community award, and the Irene Krastev Award 2013.

While all the nominees and winners were more than worthy of winning an award, I would like to make special mention of award nominee Tara Fatehi. Despite a tragic childhood fleeing her war-torn country of Iran and being relocated by the United Nations to Australia as a refugee, Tara is an inspiration to the young and the older alike. Upon arriving in Australia, Tara did not let her past difficulties stop her working for justice and hope for Kurdish women or breaking the stigma of women in leadership within her community. She is the founder of the Adelaide Kurdish Youth Society, co-founder of Kurdistan Health, the cultural/ethnic coordinator of the Kurdish Ethnic School in Adelaide, and currently a full-time PhD student in medical science. She is a very impressive young woman.

The winner of the Irene Bell community award was Polish-born Krystyna Luzny. Arriving in Australia in 1950 as a displaced person from Poland, Krystyna made it her never-ending passion to heal those affected by the war, as well as to promote her Polish traditions and history to the Australian community through dedicated volunteering, fundraising and art. She sent parcels to Poles awaiting resettlement in camps in Germany soon after she had arrived in Australia. She mobilised her resources, networks and skills to develop and implement Polish activities and organisations to help those less fortunate in her community. Using her artistic and creative abilities, she has also been involved in countless exhibitions showcasing Polish culture. She has curated a number of exhibitions and was actively involved in the establishment of the South Australian Migration Museum. She is the honorary curator of the Polish Hill River Church Museum and a former member of the editorial committee of the *Glos Seniora* or...
Seniors' Voice publication, and throughout the 1980s and 1990s was a frequent visitor to schools, where she talked about Poland and Polish traditions. Despite her age and failing health, Krystyna is still a force to be reckoned with as she continues her work as treasurer for the Polish Women's Association, and she is a very worthy winner of the award.

Tara and Krystyna, together with the other nominees in all the award categories, are examples of women who have come from tough backgrounds and given their all for their communities.

As I mentioned earlier, South Australia hosts a number of IWD events each year. Another one is the UN Women IWD breakfast, hosted by Senator Penny Wong, and it is the largest IWD event in the country. It was first held in 1993 with 279 participants, and was originally hosted by former Labor Senator the Hon. Dr Rosemary Crowley. Attendance numbers have continued to grow almost every year, with this year more than 2,400 people attending the breakfast.

One of the things the breakfast does, as well as bringing together women from across the community, schools, and women of all ages, is to raise money to go towards important programs elsewhere in the world where women are in need. In its 20 year history, the Adelaide UN IWD breakfast has made donations to many UN women's programs and has donated more than $60,000 towards programs for women's rights, economic rights, and political participation in 2012 alone. The money raised at last week's breakfast will go to the Critical Services Initiative in Papua New Guinea, to support women and girls who have experienced gender-based violence.

Considering that the breakfast was raising funds around violence against women in PNG, it was fitting that the first event I attended last week for IWD was an evening with Papua New Guinea's first and most accomplished woman judge, Justice Catherine Davani. Justice Davani was appointed as a judge to the National Court of PNG and, after 18 years of practicing law at both the public and private bar, mostly in the civil litigation area, became the first woman appointed to the Supreme Court there. She spoke of the many domestic violence issues in PNG, including the fact that 67 per cent of women in Papua New Guinea experience domestic violence, and that figure tragically rises to 100 per cent in the highlands of Papua New Guinea. She took many questions from the audience and spoke passionately about the problem of addressing the issue of domestic violence in Papua New Guinea.

So IWD is an opportunity, as I said, for women to learn about the plight of women in areas much less fortunate than Australia, and it encourages all, especially women who have the opportunity and ability to work together, to support women in the rest of the world who need our assistance.

Victoria: Health Funding

Senator Kroger (Victoria—Chief Opposition Whip in the Senate) (19:21): I rise tonight to raise serious concerns faced by many in Australia and, I suggest, all Victorians. We know that the Australian public has wised up to a couple of things about the Labor government. One is that its answer to every public policy challenge seems to be to throw money at it. It cannot control its spending. The other is the shameless way the government demonstrates no accountability in keeping the promises and pledges it makes. To be quite frank, I am sick of it, Victorians are sick of it and, I have to say, all Australians are over it. In the last three years alone we have heard constant
spin and rhetoric from both frontbenchers and backbenchers in the government who have engaged in most impressive theatrics here in the Senate about the government's so-called ironclad commitment to a budget surplus in 2012-13. We all know, of course, what happened to that promise: another pledge junked in that bottomless pit of policy pledges that must exist in the Prime Minister's office. We know we cannot believe a word they say about the budget and the state of Australia's finances because there is a history here that has existed since this Gillard government was elected.

You do not have to do speak to many outside the corridors of Parliament House to appreciate the extent to which this government's economic credibility has been shredded. As a consequence, the government is desperately seeking measures across many portfolios to plug the financial black hole. I have put on the public record many times, here and in Senate estimates, my disgust at the way the government has slashed the defence budget, just to take one portfolio as an example. While the ADF are under increased pressure to do a lot more, particularly in protecting our borders, and we know they have done an amazing job in assisting with disaster relief this year alone, they are doing this with a budget that has essentially been slashed by a third. The long-term implications for our military and our national defence, versus the short-term expediency approach of this Gillard government, are an absolute disgrace.

But in the few minutes I have in this adjournment debate I wish to turn to my home state of Victoria, where cuts to the federal budget are not just theoretically hurting families but effectively depriving them of essential services in their immediate communities. The Gillard government's decision to cut funding to public health services, to the tune of $107 million, has severely impacted the Victorian health system. The biggest impacts have been felt across Eastern Health and Southern Health services in areas such as Lilydale, Maroondah, Box Hill, Monash, Moorabbin, Casey, Dandenong, Wantirna, Blackburn, Clayton and Burwood East, where my electorate office resides. More than $8.4 million was cut from one hospital, the Maroondah Hospital, alone and as a result beds have been closed and elective surgeries have been postponed. State-wide vital services have been withdrawn and staff numbers have been slashed. This is an absolute disgrace that we should not allow the government to get away with.

It is a great disappointment that there is no Victorian Labor senator sitting here tonight, a Thursday night—clearly, they are on the plane home—because they should be ashamed of what has happened in Victoria and the consequences of the slashing of the health budget. Senator Collins, a colleague in this place, has an electorate office in Box Hill, not far from mine. Just under 10,000 residents live in Box Hill, many of whom will note the damage that health funding cuts have done to their local hospital. More to the point, many of them have picked up the phone and called to my office to say, 'Can you do something about this because we're not getting a response from her office?' In 2010-11, Box Hill residents had to wait 46 days longer than the national average for elective general surgery. This is no fault of the Victorian Liberal government, notwithstanding what we have heard in the defence and rhetoric from the federal government. The Victorian Liberal government, since its election in 2010, has increased funding for Eastern Health services by almost $10 million. The residents of Box Hill have been severely let down by people like Senator Collins and the member for Chisholm, Ms Anna Burke.
I have been very proud to work side by side with our Liberal candidate for Chisholm, Mr John Nguyen, who is talking to many in the Chisholm community about the things that are affecting them and how this budget cut is really hurting their families. His electorate office in Mount Waverley has been inundated, like mine, with calls about this very issue. Southern Health’s services have been severely impacted by the cuts and they have been forced to close a 28-bed ward in the Monash Medical Centre in Clayton. Eastern Health’s services have been devastated so badly by the funding crisis that they have closed a Blackburn-based mental health program. They have actually slashed the program because they can no longer afford to sustain and support it and they do not know if and when they will be able to resume this vital service for the area.

It is a deep tragedy that public services on which so many Victorians rely have been cut in such a detrimental way. The same situation exists in Deakin, where the member is Mike Symon. We have a great candidate there in Michael Sukkar. Like me, he has been hearing the same thing in Deakin. There is a consistent message across the south-eastern corridor on the outskirts of Melbourne, and that is that these health cuts are really impacting on families and hurting their children. It is a disgrace. Yet what have we heard from the member for Deakin, Mike Symon? I have looked in the papers and, I hate to say, I do not think there has been a peep from him about it.

More than $8.4 million has been taken out of Maroondah Hospital's budget, as I said. As well as facing cuts, Maroondah Hospital and Box Hill Hospital are having to pick up the pieces from other hospital closures, so those two hospitals are impacted by more people going to them because of the closures of other services in the region.

Non-urgent pathology tests are being sent to these hospitals for processing, but this in turn compromises the safety of patients. It takes time for transportation to the pathology labs, for diagnosis and for treatment. It is actually extending the whole time process. When we are talking about essentially life-and-death issues in many cases, it is something that I think is unacceptable. Not only have the cuts been extraordinary in the electorates of Chisholm and Deakin but across the state of Victoria I have been advised that there have been some 350 bed closures. So the question remains: yes, through political pressure the government did put back in some of what they took out, which was $108 million back into the system, but there is no guarantee of what is going to happen after 30 June 2013. There has been no indication of how this is going to be addressed from 1 July on. What programs will still have to be cut? The hospitals and the health service providers are still in no-man's-land as to how they are going to run their health budgets. It is a crisis that continues in Victoria. It is one that demands immediate attention, and I urge the government to address it.

Charcot-Marie-Tooth Disease

Senator THISTLETHWAITE (New South Wales) (19:31): I wish to address the Senate about Charcot-Marie-Tooth disease. One may be forgiven for thinking that this was an ailment that, if contracted, would put one in the dentist’s chair, but in fact Charcot-Marie-Tooth disease, or CMT, is one of the most commonly inherited neurological disorders. Conservative figures have CMT affecting one in every 2,500 people, and it is generally understood to be much more widespread than the figures would suggest. Australia’s Aboriginal and Torres Strait Islander population, in particular, are among those believed to be largely unaware of
CMT, with only one Aboriginal family ever having been diagnosed to date.

CMT is a hereditary motor and sensory neuropathy with no cure, which comprises a group of disorders that affect peripheral nerves that, in turn, supply the muscles and sensory organs in the limbs. CMT affects a person's ability to voluntarily contract and control muscles, which can make simple functions such as breathing, swallowing, walking and speaking very difficult. Other typical features of CMT include weakness of the feet and lower muscles, which can result in regular tripping, and foot and lower leg deformities from loss of muscle mass.

The onset of symptoms most commonly occurs during adolescence or early adulthood but can also be in mid-adulthood. The severity of the symptoms varies greatly amongst individuals and even amongst family members with the disease. Progression of symptoms is gradual. Pain can range from mild to severe, and some people may need to rely on foot or leg braces or other orthopaedic devices to maintain mobility.

CMT is debilitating, it is prevalent and, according to a report from the University of New South Wales into the cost of CMT, it is also a significant financial burden on the Australian economy. The report stated that neurological disorders like CMT accounted for 12 per cent of Australia's disease burden and injury in 2003. While there are scant figures relating directly to CMT, to offer a useful comparison, in 2005 almost 3,500 Australians had muscular dystrophy, with an associated financial impact of $435 million. That is $435 million from a disease that is far less prevalent than CMT.

CMT is a disease that deserves greater awareness, just as those suffering from it deserve greater support, and I want to mention and pay tribute to a good mate of mine, Dr Scott Denton. Scott is a sufferer of CMT himself, but he has been a diehard advocate for research. He has worked most of his adult life to raise awareness and funds for research into a cure. He has been fighting for recognition for sufferers of CMT for many years and supporting work towards a cure. I have seen Scott cope with the disease but gradually be increasingly debilitated by it, and he is beginning to experience difficulties associated with CMT on a daily basis. I would like to take the opportunity to commend Scott and pay tribute to the work that he has done in promoting awareness of this disease and raising funds and support for finding a cure.

Stories of those affected by CMT reveal the difficulties they face completing the most simple of day-to-day tasks but also dealing with a general lack of awareness within the community. I want to refer to the plight of one such Australian family, the Critchleys. In my research into this disease I came across their story, which is both heartwarming and heartbreaking. It was on their first date that Peter told Jillian about his disability. He explained that, although he looked like a regular bloke, his disability that he had inherited from his mother had severely affected his life. Growing up, Peter had trouble walking and running, he could not swim confidently and, because of his disability, he was unable to play sport with his friends. Peter told Jillian that he had been forced to rely on others for assistance since a very young age.

That first date must have gone quite well, because Peter and Jillian eventually married and went on, of course, to consider having children. But this was a fairly worrisome prospect given the one-in-two chance of passing on the CMT gene to their child. The couple investigated genetic counselling and, whilst encouraged by health professionals, they experienced negativity from others who
questioned their decision to risk having a child with the disease, which they said would subject their children to a life of unhappiness. But Peter and Jillian shrugged off the naysayers, due in large part to Peter's awareness of his condition and the fact that others in his family, who also had CMT, had learnt to manage the disease and live happy lives.

Peter and Jillian went on to have two lovely children, both of whom, unfortunately, would eventually test positive for the most common form of CMT, type 1A. The Critchleys did all they could to manage CMT in their family. They acquired a whole range of new friends, including neurologists, podiatrists, physiotherapists, occupational therapists and orthopaedic surgeons. They became experts at stretching exercises, procured inserts for shoes meant to hold very small feet and discovered new ways of doing up buttons and opening jars.

But it was not just inside their home that the girls would experience significant challenges. Peter and Jillian knew that, as the symptoms became more and more noticeable, their girls would need to know how to respond to comments about their disability. One day at school Eleanor, Peter and Jillian's youngest daughter, was told by a classmate that she did not want to play with her anymore because she walked funny. But, as recounted by Jillian, her daughter did not cry, flinch, recoil in horror or stammer. She simply turned to her friend and said: 'I walk funny because I have CMT. Nobody's perfect. What's wrong with you?' She meant no harm or malice by that; she was simply stating the facts. She clearly had learnt quite well to cope and live with her disability.

The Critchleys are a remarkable Australian family, a family that has learnt to live with CMT and lead happy and healthy lives. But their story highlights just how debilitating CMT can be, particularly when there are multiple sufferers within the one family.

Thankfully, genetic counselling and pre-implantation genetic diagnosis now means that those carrying the CMT gene can conceive without the 50 per cent risk of passing CMT to their offspring. But there remains a disturbing lack of awareness of CMT and, despite the advances, detection and genetic counselling, low awareness and detection means that this disease is still spreading to future generations, when it really could be stopped.

There is a clear case for more investment into the cause, the care and the cure of CMT. This needs to be brought into the public awareness arena.

Senate adjourned at 19:40

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

[Legislative instruments are identified by a Federal Register of Legislative Instruments (FRLI) number. An explanatory statement is tabled with an instrument unless otherwise indicated by an asterisk.]

Coastal Trading (Revitalising Australian Shipping) Act—Section 11 exemption for voyages between Christmas Island and Australian States and Territories, dated 19 February 2013 [F2013L00450].

Defence Act—Determinations under section 58B—Defence Determinations—

2013/3—Post indexes – amendment.

2013/14—Excess commuting costs – amendment.

Environment Protection and Biodiversity Conservation Act—

Amendment of list of specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amd/058 [F2013L00443].
Instrument of Approval of Variation to Adopted Recovery Plan, dated 21 February 2013 [F2013L00447].


Family Law Act—Family Law (Superannuation) Regulations—

Family Law (Superannuation) (Methods and Factors for Valuing Particular Superannuation Interests) Amendment Approval 2013 (No. 1) [F2013L00454].

Family Law (Superannuation – Provision of Information: Governor-General Pension Scheme) Determination 2013 [F2013L00453].


Fisheries Management Act—Northern Prawn Fishery (Closures) Direction No. 163 [F2013L00442].


National Health Act—Instrument No. PB 18 of 2013—National Health (Weighted average disclosure price – main disclosure cycle) Amendment Determination 2013 (No. 1) [F2013L00445].

Public Service Act—

Australian Public Service Commissioner’s Directions 2013 [F2013L00448].

Select Legislative Instrument 2013 No. 35—Public Service Amendment Regulation 2013 (No. 1) [F2013L00460].


Indexed Lists of Files

Tabling

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2012—

Statements of compliance—

Department of Human Services.

Department of Prime Minister and Cabinet.

Immigration and Citizenship portfolio.

Infrastructure and Transport portfolio.

Departmental and Agency Contracts

Tabling

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended:

Departmental and agency contracts for 2012—Letter of advice—Veterans’ Affairs portfolio.

Answers to Senate Questions on Notice will no longer be published in the Senate Hansard. The full text of Questions on Notice and their answers are available online at www.aph.gov.au/SenateQON