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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—FIFTH PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Shane Parry
Temporary Chairs of Committees—Senators Judith Anne Adams, Christopher John Back, Thomas Mark Bishop, Suzanne Kay Boyce, Douglas Niven Cameron, Patricia Margaret Crossin, David Julian Fawcett, Mary Jo Fisher, Scott Ludlam, Gavin Mark Marshall, Claire Mary Moore, Louise Clare Pratt, Ursula Mary Stephens and Mark Lionel Furner

Leader of the Government in the Senate—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Government in the Senate—Senator Hon. Stephen Michael Conroy

Leader of the Opposition in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Opposition in the Senate—Senator Hon. George Henry Brandis SC

Manager of Government Business in the Senate—Senator Hon. Joseph William Ludwig
Manager of Opposition Business in the Senate—Senator Mitchell Peter Fifield

Senate Party Leaders and Whips
Leader of the Australian Labor Party—Senator Hon. Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Hon. Stephen Michael Conroy

Leader of the Liberal Party of Australia—Senator Hon. Eric Abetz
Deputy Leader of the Liberal Party of Australia—Senator Hon. George Henry Brandis SC

Leader of The Nationals—Senator Barnaby Thomas Gerard Joyce
Deputy Leader of The Nationals—Senator Fiona Nash

Leader of the Australian Greens—Senator Robert James Brown
Deputy 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 Judith Anne Adams and David Christopher Bushby

The Nationals Whip—Senator John Reginald Williams
Australian Greens Whip—Senator Rachel Mary Siewert

Printed by authority of the Senate
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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.

(2) Chosen by the Parliament of New South Wales to fill a casual vacancy to be filled (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 to be filled (Hon M. Arbib, resigned 5.3.12), 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

Acting Secretary, Department of Parliamentary Services—R Grove
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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<tr>
<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
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<tr>
<td>Treasurer (Deputy Prime Minister)</td>
<td>The Hon Wayne Swan MP</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>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Science and Research (Leader of the Government in the Senate)</td>
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<td>Minister for Small Business</td>
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<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary for Higher Education and Skills</td>
<td>The Hon Sharon Bird MP</td>
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<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
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<tr>
<td>Minister for the Arts</td>
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<tr>
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<tr>
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<td>The Hon Jason Clare MP</td>
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<tr>
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<td>Senator the Hon Bob Carr</td>
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<td>The Hon Dr Craig Emerson MP</td>
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<td>Minister for Sustainability, Environment, Water, Population and</td>
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<td>Senator the Hon Penny Wong</td>
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<td>Minister for Employment and Workplace Relations</td>
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Thursday, 22 March 2012

The PRESIDENT (Senator the Hon. John Hogg) took the chair at 9:30, read prayers and made an acknowledgement of country.

COMMITTEES

Human Rights Committee

Membership

The PRESIDENT (09:31): I have received letters from a party leader and Senator Madigan seeking appointment to the Parliamentary Joint Committee on Human Rights. There are two nominations for one position on the committee, the position to be nominated by any minority group or Independent senators. In accordance with standing orders, a ballot will be held to determine which one of the two senators who have nominated is to be appointed. The Senate will now proceed to ballot to appoint a senator to the position to be nominated by a minority group or Independent senators. The candidates are Senator Madigan and Senator Wright. Before proceeding to a ballot the bells will be rung for four minutes.

While the bells are ringing, if I could have the attention of senators. In the President's walk, there is a condolence book for signing by senators who might wish to do so for Nancy Wake. Feel free to enter at any time to put your condolence message in that book.

The Senate will now proceed to a ballot. Ballot papers will be distributed to honourable senators, who are requested to write on the ballot paper the name of the candidate they wish to vote for. The candidates are Senator Madigan and Senator Wright.

Senator Ian Macdonald: Mr President, could I seek a ruling. Is it in accordance with standing orders for there to be occasioned in this exercise a show-and-tell, or is that contrary to—

The PRESIDENT: That is not an issue.

Have all honourable senators voted? The clerks will now collect the ballot papers. I invite Senator Madigan and Senator Siewert to act as scrutineers.

The result of the ballot is as follows: Senator Madigan, 34 votes; Senator Wright, 39 votes. Senator Wright is therefore elected as the member of the Parliamentary Joint Committee on Human Rights nominated by a minority group or Independent senators.

BILLS

Solar Hot Water Rebate Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Senator RYAN (Victoria) (09:48): I rise to speak in favour of the Solar Hot Water Rebate Bill 2012. This bill is actually quite a simple one. All it does is compel the government to spend the full $63.5 million in funding allocated to the Solar Hot Water Rebate under its Renewable Energy Bonus Scheme in 2011-12. The important point about it is that the Senate is not seeking to appropriate money; it is merely seeking to force the government to live up to its word. It is merely seeking to allow the people of Australia and the businesses involved to have a degree of confidence that a government program cannot be shut down on five minutes notice. Just as occurred in 2009 with Minister Garrett and the solar panel rebates, we have here a Labor Party that has pulled the pin mid-stream.

The parliamentary secretary, Mr Mark Dreyfus, the member for Isaacs, gave the solar hot water industry just five minutes notice on a Tuesday night that there would be no more applications accepted. While the government is allowing applications to be
lodged up to 30 June this year, to be eligible for the scheme the systems had to have been installed, ordered or purchased on or before 28 February, the day the scheme's closure was announced. The problem with this is, again, the complete lack of predictability and the capriciousness of government action. I have little doubt that it is due to their desperate need to shuffle money around to confect and contrive a fake surplus, at least on paper, to be announced in May. We will see the proper result when the final budget outcome is released towards the end of next year. But this desperate need by the government to try and shuffle money around in order to create that false surplus has again left a particular industry in the lurch. The government did this with solar panels; they have done it with roof batts; they have done it with the live cattle trade; and now they have done it with solar hot water. It is reckless decisions like this that change the goalposts for business decisions and, indeed, consumer decisions. That these decisions are made on a completely unpredictable basis does a great deal of damage to business and consumer confidence.

We are seeing in survey after survey consumer and business confidence falling. They are two of the most important yardsticks by which we can see the direction in which the economy is going. Without confidence to invest and without confidence to spend, the problem that we will see is people hoarding cash, not because they are trying to save but merely because they do not have a degree of confidence in what the government may or may not do.

The words of a small solar business owner, Jeff Knowles of Pure Solar, last week summed this up:
I guess what Helen and I would like to say is very simple. It’s been tough in the solar industry—we all know that, but the timing of the hot water rebate closing couldn’t have been worse. We had the Royal Canberra Show here—we had 60 or so leads. We were following them up. People have just said listen, we can afford a top system like behind me; we can go the extra, you know, $100, $200 maybe $500 to $4,500, but we can’t go to $5,500. So, that $1,000 means a lot to the people I knock on the doors of and it’s just really unfortunate timing for us again in the solar business.

The challenge is again simply one of certainty; it is simply one of predictability. What we have here is a business owner who is basing his activity and the activities of his business on a program. He tells consumers, 'Here's a particular program available to you to support the purchase of a product.' When that is capriciously changed, when the rug is pulled out from underneath them at such short notice, it does enormous damage to the business.

Rheem, a major manufacturer in Australia, said they have $10 million worth of stock on hand and the jobs of workers at the Rydalmere facility now hang in the wind, precisely because they have all this stock on hand. Their government relations manager, Gareth Jennings, said, 'This is the worst possible time to take away support.'

On news of the program cut, the Clean Energy Council said:
The clean energy industry says the unexpected cut of a key government solar hot-water program late yesterday will put jobs under threat …

The key point there is the unexpected nature of it. This program was expected to expire. People were planning for that. There was no shortage of funds in the program. There were no allegations of the program being rorted. What happened here was a government unilaterally, capriciously and unpredictably pulling the rug out from underneath businesses and people that were making plans.

As I said earlier, this is merely an attempt to contrive a budget surplus. We do not
know how the government are going to be shuffling money around, but when we look at the expenses that have been put off budget over the last few years—with the money being spent on electricity industry support, for example, there is not so much next financial year but more this financial year and the financial year after the next budget year—we know they are desperate to contrive a budget surplus.

I point out here that, while some expected the solar hot-water rebate program to end on 30 June this year, the government's own program guidelines did not specifically mention a closure date. The coalition believes that this withdrawal of the program at such short notice is reckless and damages consumer and business confidence. It is a sign of a government in chaos and it is further confirmation of its incompetence in managing basic programs. All we have asked for with this piece of legislation is for the government to live up to what was in last year's budget papers. No new funding is required to deliver this solar hot-water rebate as was committed by the government and the parliament. This bill will need to be passed this week if it is to come into effect and reinstate the rebate before the end of the financial year. I commend the bill to the Senate.

Senator URQUHART (Tasmania) (09:54): I rise to speak on the Solar Hot Water Rebate Bill 2012, another private member's bill from the opposition that is nothing more than opportunistic grandstanding. While this side of parliament has provided more support to renewable energy than any government in Australian history, the opposition put forward a bill that will do nothing to help Australia make the transition to a clean energy future. It merely continues the attitude of those opposite of all show and no delivery—no regard for fiscal responsibility, no regard for the guidelines of a scheme that has been in place for many years and is merely ending at the time that those guidelines prescribed. It is grandstanding at its absolute worst and it is why those opposite face their big black hole of $70 billion of unfunded commitments—and just this week the Minister for Finance and Deregulation, Minister Wong, has done the numbers, and the coalition would deliver a $9 billion deficit. This bill is another irresponsible measure in a long line of irresponsible measures. On and on they go with their one goal of wrecking every responsible measure this government implements—on and on, promising, promising, promising but never with a plan for Australia's future.

The Renewable Energy Bonus Scheme was not closed early. The scheme from the beginning was not designed to be an ongoing program. The scheme offered a rebate of $1,000 for the installation of a solar hot-water system and $600 on a heat pump system. It was for households to install a new hot-water system when replacing an electric storage hot-water system in an existing home. The scheme did not apply to the new-building market. When the program was announced on 17 July 2007, under the Howard government, the scheme was funded until 30 June 2012. This is the date that the scheme will end. It is obvious that those opposite do not even understand a program that they implemented.

Because people have four months to apply for the rebate, in order for the scheme to finish on 30 June 2012 it was necessary to announce the closure of the scheme on 28 February 2012. That is what this government did. This meant that everyone that bought an eligible system had an equal amount of time to apply for the rebate. I repeat: in order for the scheme to end on the date that was prescribed when the scheme was announced by the Howard government, it was
responsible and prudent to announce its closure on 28 February 2012. The Gillard Labor government has stuck with this time frame because we are committed to being fiscally responsible and acting in the long-term interests of industry as we move to a clean energy future. Announcing the scheme's closure any later would not have given people the full four months to apply for their rebate, potentially disadvantaging those people that purchased a solar hot-water system after this time. It would have been misleading to delay announcing the scheme's closure.

Further, announcing closure of the scheme any earlier would have exposed the program budget to serious risk of overspend due to unanticipated demand. It is common practice that, if someone calls last drinks, people will rush up to grab what they can. It was therefore fiscally responsible of this government to announce the end of the scheme on 28 February 2012, four months before the scheme ends. I imagine that, had we delayed the announcement of the closure, those opposite would be up in arms calling us fiscally irresponsible. On this, the last sitting day before Easter, it is a matter of having your chocolate cake and eating it too.

We on this side take the budget very seriously. We understand that you have to cost policies and you have to fund them. That is what we have certainly done in our budget. That is what we have done in the mid-year review. The alternative approach is to do what the opposition is doing, which is to try and hide your $70 billion black hole, not tell anybody what your budget position is, not tell anybody what you are going to cut, not tell anybody how you are going to fund anything and certainly not do any proper costings. What we continue to see from the opposition is a game of hide-and-seek—trying to hide from the Australian people the true position of their budget because the opposition know that, every day, they wave goodbye to the $70 billion black hole as they keep making more and more promises that they cannot fund. Luckily for them, the finance minister, Minister Wong, this week announced that an Abbott coalition government would deliver a $9 billion deficit. Yes, with all their huff and bluster about fiscal responsibility, they have promised so much to so many that, even after the global financial crisis, as Australia's economy begins to improve, they would be unable to deliver a budget surplus. It is lucky for the country that they are not in government.

Not only do those opposite make promises they cannot fund and therefore cannot keep; they do not bother to read the program guidelines. Program guidelines released in 2009 reaffirmed the closure date of 30 June 2012. Industry was aware of the closing date. Rheem, a large player in the industry, had advertised an earlier end date of March 2012, rather than the June 2012 end date. There are hardly grounds here to claim that the government caught everybody napping.

There are two bills before this parliament on this topic: one introduced in the other place by the member for Flinders, Mr Hunt, and the other that we are debating here today from Senator Birmingham. It is quite a nice little stunt bill because it contains just three substantive lines:

**3 Amount appropriated for Solar Hot Water Rebate Scheme to be spent**

(1) This section applies to the amount specified in the *Appropriation Act (No. 1) 2011-2012* for Outcome 1 for the Department of Climate Change and Energy Efficiency.

(2) The amount, to the extent that it was appropriated for the purposes of the Renewable Energy Bonus Scheme—Solar Hot Water Rebate, must be applied for expenditure for that purpose. Mr Hunt and Senator Birmingham have put forward similar bills, which effectively
require the government to restart the Solar Hot Water Rebate Scheme by requiring that money allocated in the budget is expended on the rebate program. They require that exactly the sum which has been appropriated for this purpose be expended for this purpose, even though it is a demand-driven program and it is standard practice for a department to slightly overestimate demand, and therefore the budget allocation, as any shortfall has to be met within the department's budget allocation.

The Australian public are worried by the fiscal irresponsibility of those opposite. The Australian people are worried about what vital government service those opposite will attack to try for their unfunded, irresponsible promises. I wonder if Mr Hunt and Senator Birmingham have run their numbers by Mr Robb and Mr Hockey. I wonder if Senator Cormann was locked out of the room again, this time, like he was on their superannuation backflip that the coalition has not figured out how to pay for.

We on this side understand that the Solar Hot Water Rebate Scheme was a demand-driven program. As such, any extension to the program would have substantial budget implications. It would result in a substantial and unquantifiable impact on the budget. For instance, when the solar photovoltaic rebate was closed, and a day's notice was given, around $384 million in applications were received on or immediately after the closing date—$384 million in one day. The decision made by the government to not give notice, to not call last drinks in this instance, is evidence of a Labor government committed to fiscal responsibility. It would be fiscally irresponsible to re-open the program. It would confuse households, increase uncertainty for business and expose the administering department to significant budget risk. That is because an administering department manages demand-driven programs by slightly overestimating demand, as any shortfall has to be met within the department's budget allocation. It is therefore vital to ensure that there are not any last-drink runs, like that which the opposition proposes. It is vital that this scheme be ended as planned and that these bills be voted down.

The Gillard Labor government is taking the responsible steps to manage the budget and to move our economy to a clean energy future. Since coming to office in 2007, we have boosted funding for the Renewable Energy Buyback Scheme to enable 25,000 more installations than promised by the coalition government. In total, this scheme cost taxpayers over $320 million and delivered around 250,000 installations. After the program ends on 30 June 2012, the government will continue providing ongoing incentives for installing solar hot-water systems. These incentives are numerous and include: the introduction of a carbon price from 1 July 2012, which will provide a long-term incentive for households and businesses to install cleaner hot-water systems; the Renewable Energy Target, which will continue to provide support until 2020, with consumers offered a discount of up to $1,000 for installing a solar hot-water system in a new or existing home; and support worth over $330 million under the Low Carbon Communities program for the installation of solar hot-water heaters.

Also, manufacturers can seek assistance under the Clean Technology Innovation Program, with $800 million available to support further innovation and product improvement. This will give the solar hot-water industry an incentive to retool and modernise the manufacture of these units, providing practical assistance to manufacturing businesses while supporting the incentives created by the carbon price to
improve energy efficiency for use of energy from cleaner sources.

I also note that in most jurisdictions electric storage hot-water systems cannot be installed in new homes, meaning that households must install a solar heat pump or gas system. Most jurisdictions are also progressively banning electric storage hot-water systems in existing homes when an existing system fails and cannot be repaired. Furthermore, government is also considering a national energy savings initiative which, if adopted, will provide an incentive to solar hot water. Also, I understand that federal, state and territory governments are working on mandatory disclosure methods for energy performance information for homes when offered for sale or for rent. These reforms will provide information about the value of solar hot water to prospective buyers and renters.

This government has measures to assist the hot-water industry now and has plans for measures in the future. This government has provided more support for renewable energy than any government in Australian history. Our current policy settings are designed to transition to a clean energy future and that future includes solar hot water. We are interested in real solutions—funded solutions—while the opposition through this bill once again demonstrates that it is more interested in opportunistic grandstanding, more interested in irresponsibly throwing cash around whenever it sees fit, and unfortunately not interested at all in how Australia can make the transition to a clean energy future.

What Senator Birmingham and Mr Hunt are suggesting, would require us to reopen the scheme but they know we cannot do this with a demand-driven scheme as it would cause a spike in demand. It is the sort of stunt that you would expect from a party that is trapped in a $70 billion budget black hole and whose only way out is to spend, spend, spend.

The government is ending the scheme on time, as it was always destined to do—not scrapped, not early, and in total accordance with the guidelines. This was a bridging program that was always meant to finish upon the introduction of a carbon price. Do those opposite remember that when this program commenced it was coalition policy to introduce a carbon price—although not without confusion from their former leader? To remind them, this is what happened during 2007. One day in question time, Prime Minister Howard seemed to tell the parliament he believed the jury was still out on the connection between human activity and climate change. Remarkably, after such a statement, he was actually back in the House of Representatives within hours. He had to return because he needed to clarify that he had apparently misheard the question. Prime Minister Howard then went on to state that he believed the science was clear and he went to the 2007 election backing the Sherrod report and committing to an emissions trading scheme. That is right—everyone knows those opposite took to the 2007 election their established scheme of five years of subsidies for solar hot-water systems, their commitment that climate change is real and that an emissions trading scheme was the best way forward. Now this government is taking the responsible steps to wind up a program which those opposite started, set the end date for and put in place to be a lead-in to a carbon price, but all those opposite can do is to sink deeper into their $70 billion black hole.

At least we on this side of the chamber have our priorities right. We are getting on with the job of governing for all Australians, especially the most disadvantaged and at risk in our community. Just this week we passed
the Minerals Resource Rent Tax Bill 2011, a reform which will spread the wealth of the mining boom to all Australians and strengthen our economy for the future. We are using the mining tax to boost the superannuation savings of low-income Australians by up to $500 per year and by removing the tax on super for people earning up to $37,000. This will assist 3.6 million low-income earners, including 2.1 million women, to save for a decent retirement. And while we are at it we are giving small businesses a tax cut and investing in much needed infrastructure in regional Australia. Labor understands that, for a stronger Australia, we need to bring all Australians along. Also this week we passed the Road Safety Remuneration Bill 2011, the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2012 and the Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill 2011.

The Road Safety Remuneration Bill will promote safety and fairness in the road transport industry. The Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill will replace the ABCC with a new body to provide a balanced framework for cooperative and productive workplace relations in the building and construction industry. The Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill will provide enhanced workplace protection for Australia's most vulnerable workers, in particular outworkers.

This Labor government is delivering for hardworking Australians. This Labor government is demonstrating responsible fiscal governance. This Labor government has a 40-year plan to combat dangerous climate change in a way that transitions our economy in the cheapest, most efficient way possible.

Labor's plan sets out a strategy to cut Australia's emissions by 80 per cent on 2000 levels by 2050. Simple examination of the opposition's plan reveals a massive problem. They have a costly plan to cut emissions by the bipartisan target of five per cent of 2000 levels by 2020. Labor's plan is centred on the introduction of a carbon price from 1 July 2012. Beginning with a fixed price of $23 per tonne of carbon dioxide emitted, this price will be a price signal for industry and will rise at 2½ per cent a year in real terms for three years. On 1 July 2015 we move to a floating price, with a floor price of $15 and a ceiling price $20 above the expected international price to minimise volatility. Reducing carbon pollution is good for our environment and important for our future. With this plan we will reduce pollution and create new jobs while supporting households. It is time to act and to act decisively.

Those opposite pretend that they care for the long-term good of this great nation, yet they forget one simple fact: the sooner we act, the cheaper it will be. Acting now will cost money; no-one is arguing that it will not. We are seeking to make the 500 biggest polluters pay and assist households and industry through the transition. Those opposite are seeking to make every Australian pay through using general government revenue to give subsidies to polluters. But they do not think it is necessary to have a policy to cut emissions beyond that level and that date, as though miraculously in 2020—after having repealed our efficient, effective abatement scheme and having wasted taxpayers' dollars on picking currently unproven winners—the problem of climate change will be solved. Somehow they dream that Australia's obligations will be met, that Australia's economy will have transitioned and that they will move on to the things they enjoy best,
like stripping workers' entitlements and giving tax cuts to those who need them least.

This bill is a stunt. It will do nothing to support the solar hot water industry nor will it assist the environment. I repeat that Labor has provided more support to renewable energy than any government in Australia's history. All the while the opposition grandstand on this issue, putting forward a bill that will do nothing to help Australia make the transition to a clean energy future. I urge senators to vote down this bill.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (10:12): In responding to the Solar Hot Water Rebate Bill 2012, I remind the Senate we are facing accelerating global warming. The recent 2012 *State of the Climate* report produced by the Bureau of Meteorology together with the CSIRO confirms everything we have been saying for a considerable time—that is, we are facing a global catastrophe unless we respond to climate change by reducing our emissions as quickly as possible. That is confirmed even more by a report which came out yesterday from the Stockholm Environment Institute—I was listening to Senator Carr's first speech yesterday talking about the oceans—called *Valuing the oceans*, which points out that, with oceans warming at an incredible rate, they will be reduced in their capacity to absorb carbon dioxide, so they will slow as a sink. We are also seeing high levels of acidification, which has massive impacts for ocean food chains. We have to do everything we can as quickly as we can to reduce our emissions. That means we need a system-wide approach, a whole-of-economy approach, a whole-of-society approach. That is why the Greens entered into an arrangement with the Prime Minister at the change of government in 2010, to deliver a carbon price in Australia—a clean energy package. That package is now a system-wide approach to energy efficiency, renewable energy and to emissions trading and carbon pricing to start this process of the transformation of the Australian economy.

In that context we have a technology: solar hot water. Solar hot water is a fantastic technology not only to reduce greenhouse gas emissions but to assist households to reduce their costs for electricity. So it is an excellent technology. And what is better than that about it is that we have, in Australia, three manufacturers of solar hot-water systems. We have the Rheem Manufacturing Co. (Australia) Pty Ltd, Dux Hot Water and Siddons Solarstream. They make hot-water cylinders in Australia and they are beginning to export these systems. So the one thing that we would want to do in transitioning to a low-carbon economy is actually to support local manufacturing.

The whole debate here is taking place in the bigger context of the current situation that the Australian economy finds itself in. That is that we have a very high Australian dollar and we also have, in the case of solar hot water, a coming together of a number of circumstances which are quite overwhelming for the industry. Not only do we have the high dollar making imports cheaper but there is also an agreement through the COAG process that there will be the phase-out of electric hot-water cylinders. I will be interested to hear from the government where that is up to, because my understanding and the industry's understanding is that that is to be on 30 June this year.

After that, the states have agreed, you will not be able to replace electric hot water cylinders with electric cylinders. The result of that is that as people's cylinders are now malfunctioning, blowing up or whatever, the plumber will come and tell people that they are not going to be able to replace it with another electric system, and that they are
suggesting instantaneous gas. That is because the installation of instantaneous gas and the heater itself, which is likely to be imported from Japan, will be considerably cheaper than a solar hot-water system.

The result is that householders are looking at the immediate capital cost. Often, a hot-water cylinder blows up when you least expect it, and it is an expense that you suddenly have to meet because you have no option. Therefore, you take the advice of the plumber who comes and says, ‘Well, look, you can't replace it like with like. These are your options: you've got solar hot water or you've got instantaneous gas, and instantaneous gas is going to be a lot cheaper.’ And so people tend to buy a cheaper system, not being aware that they are actually buying a much more expensive system over time because the cost of gas is going to increase, whereas once you buy your solar hot-water system you are not paying for the cost of the sun and over time you will end up with a system that costs you far less. But often people in that circumstance are faced with the immediate cash outlay and so they make those decisions. At the moment that is the situation we have. Because of that the industry is under enormous pressure at the moment, and I am sure it is in the interests of everybody in this Senate to support local manufacturers like Rheem, Dux and Siddons Solarstream to stay in business.

The issue here is: how do you keep the community's access to solar hot water, make their own power bills more manageable, bring down emissions and keep Australian manufacturers in business? It was in this context that on 28 February Parliamentary Secretary Dreyfus came out and said that the Renewable Energy Bonus Scheme would close for further applications at five o'clock that evening, and the announcement was at about five minutes to five. So it was an instant end to the scheme, meaning that you would have until 30 June to put in your rebate claim for anything you had bought up to that point but after 28 February you would not be able to order a new system under the scheme.

At the time, the Parliamentary Secretary said that this was good budget practice. That certainly sent alarm bells through my office and my thoughts about this and, clearly, that is the context in which the coalition have moved this piece of legislation. Everybody knows that the government is trying to get back to a budget black bottom line and I certainly feared that what we were seeing here was a red line through solar hot water in order to deliver a black line in the budget. The reason I had that view was that I had been watching this scheme fairly closely. We had a situation where, in response to the global financial crisis, the government changed the date for the end of this scheme to be 30 June 2012 and their website said that the date applicable for the changes was 5 September 2009 until 30 June 2012 or until the date when program funds have been fully allocated, whichever occurred first.

That was actually up on the website for a long time, saying that that was what they would do. When in 2010 the scheme changed to the Renewable Energy Bonus Scheme there was a less specific piece on the website saying:

This booklet provides guidelines for the Renewable Energy Bonus Scheme – solar hot water rebate, from 20 February 2010 until a date to be notified on the Program’s website.

And that is effectively where the trail goes cold.

There are plenty of dealers and people working in the industry who believe that the date of 30 June 2012 was put up on the website, but anyway, at the end of last year, the date was taken away. So that is where we ended up, and that is why the industry itself
thought the date was 30 June 2012. The government is now saying, 'Yes, it is still 30 June 2012,' and that the reason it announced the ending in February was to stop this—as Senator Urquhart described it—'last-drinks call' to have a rush on the scheme. However, if you look at the rationale here—'until the date when program funds have been fully allocated'—the issue for me is that the government took $160 million out of this fund to meet the flood levy requirements. The government believed it was essential to put money into Queensland and the eastern states at the height of the horrendous flooding, and this was one of the programs that lost $160 million, but what was allocated for the 2011-12 financial year was based on what was left in the program after the money came out for the flood levy, and it was based on the projected flow of solar hot water being put on people's roofs thereafter.

The upshot of that is to say that we knew that there was an underspend because the industry had been telling us that, with this competition from instantaneous gas, they had been selling fewer and fewer solar hot-water systems; therefore there was an underspend. So, when the parliamentary secretary came out and said this was good budget practice, for me it was code for recognising that there is an underspend in this financial year, bringing forward the allocation from next financial year into this year and then being able to put the $24½ million for the 2012-13 financial year into the budget black line. That is how it appeared to me.

However, I have been in constructive negotiations with the government since that time, and the parliamentary secretary has reassured me at length that there is to be no underspend in this financial year and, indeed, that the budget forecast is in place. In fact, he has provided me with a letter that says, 'The government never intended to make any savings from the closure of this program and remains committed to support the transition to a clean energy future, which includes the solar hot water industry,' and that the funding allocated for this program remains in the forward estimates. All this bill does is require that the current appropriation be spent. Then I have an undertaking not only that that appropriation will be spent but that the money allocated in the forward estimates is also there to meet the program. The parliamentary secretary continues to say, 'I am happy to work closely with you to look at potential ways the available funding continues to support the Australian solar and heat pump hot water industry, maintain jobs and competitiveness in the short term and particularly this year ahead of the strong support that will flow from the carbon price and other measures identified above.' So I am satisfied now that the money that was allocated in this financial year will be spent and, indeed, that the money is there in the forward estimates, and I will be working with the government to make sure that is the case.

I appreciate the manner in which the parliamentary secretary, Mr Dreyfus, has been prepared to talk about this, and I think he recognises that the statement that he made about good budget practice actually made people consider this in the context of the budget, whereas what he was referring to was practice in relation to stopping and changing schemes, which this government has a very bad reputation for over a long period of time. Certainty is what the industry needs, and unfortunately this episode has left it with uncertainty, and this has been one of the major problems. However, we must proceed with certainty.

The one thing I will absolutely say here is that we have delivered a carbon price. There is the Low Carbon Communities program, and that is one way in which we will be helping low-income communities—through
local councils—and low-income families to improve energy efficiency in homes and buildings by installing energy-efficient appliances, including solar and heat pump hot-water systems. I have to say that we are also, as part of the clean energy package, pushing for the national energy efficiency scheme. The renewable energy target, of course, is still in place, and there is the Clean Technology Innovation Program, which will allow local manufacturers to invest in upgrading their plant so that they can become more efficient operators. So the issue for me here is that I wanted to make sure not only that the money was spent but that there is transition and support for the industry in the light of the current circumstances in which it finds itself. I am working with the government to do that and to roll out the carbon price.

The real question here for the coalition is: how are you going to be supporting all of these technologies in the low-carbon economy—the whole raft of energy efficiency and renewable energy technologies—without carbon pricing? You simply cannot do it unless you develop a systemic way of going about it. I know that you have a 'one million roofs' program. I am assuming that is predominantly for photovoltaics. There is no clarity, for anybody talking of certainty, as to when the coalition says it would actually budget for that program. There is an assumption out there that that program, in the event that the coalition won government, would be in its first budget, but nobody has actually confirmed that. The industry is now beginning to wonder whether in fact this would be something that was delayed, under any change of government, until one of the last years of a budget forecast period. Of course, there is a need to clarify whether the 'one million roofs' is just for photovoltaics and where solar hot water ends up in that particular mix.

I am confident that the only way we are going to get the transformation in the Australian economy that we need is to go with the kind of integrated, whole-of-government approach that the Greens have been able to work with the Labor Party to deliver in Australia. This is going to be a major transformation, because people are going to sit at home and say to themselves, 'How can I reduce my emissions and reduce my prices?' People will be looking at everything from simply draught-proofing their houses through to things like installing solar hot water, looking at the design of their homes or extensions, considering ways in which they move to more efficient vehicles and, in their workplaces, building much more efficient and better workplaces.

I have to say that the building in which the new Commonwealth offices in Sydney, in Bligh Street, are going to be located is a fantastic example of a green building. The driver for investment in green buildings is carbon pricing. It is a recognition that, if you are going to be competitive, you will have to give tenants in the city buildings that are wonderful to work in in terms of the amenity of the environment. Those buildings will also be cheaper in the long term because they are highly efficient, not only in electricity but in water. That office in Sydney is a very good example of it.

The way you drive this, through green buildings, through changes to city design, through changes to manufacturing processes and through new technologies, is to price fossil fuels and to actually charge the real cost of climate change on the emitters of fossil fuels. By doing so you bring on the competitiveness of these technologies in the low-carbon economy. That is the real key here. That is why I am so keen to see the change that is going to come about on 1 July this year.
The coalition cannot have it both ways. You cannot sit there and oppose carbon pricing and then say, 'We are interested in supporting low-carbon technologies.' How are you going to do that in the absence of a systemic rollout of market based mechanisms? The coalition's bill simply says that the appropriation for the 2011-12 financial year is to be spent effectively. That is exactly what they are doing. My view is that we have to ensure not only that that money is spent but that the forward estimates are still there—the $24.5 million into next financial year—and work out ways of assisting the industry. As I said, I am currently working with Mr Dreyfus to work out ways of doing that.

I am particularly proud of the Low Carbon Communities Program in the clean energy package because it is one way we can assist low-income earners around the country to reduce their power bills, enabling them to take part in reducing emissions and be part of this new economy, this new society, where everybody needs to play their part in reducing emissions. I am delighted that we already have some quarter of a million Australian households assisted through this program to reduce their emissions. I want to make sure that we do everything we can to continue that happening, particularly for low-income earners, and that we continue to support Australian manufacturing in the low-carbon economy.

We have money going to car manufacturers. That should be going to electric vehicles and should be tied to green design. If we have money to protect the steel industry and the car industry in the face of the high dollar, then in my view we need to be supporting Australian manufacturing. I am going to be working with Mr Dreyfus to make sure that we get a good outcome.

Senator IAN MACDONALD (Queensland) (10:32): The advantage of following the Greens Deputy Leader, Senator Milne, in this debate is that it enables me, again, to point out the absolute policy hypocrisy of the Greens political party. Anyone listening to Senator Milne, for the majority of her speech, would have been convinced that you should vote for this bill. She went through all the reasons why this bill was appropriate, but in the end she changed her mind, which is the political hypocrisy that we have come to expect of the Greens by following her leader's approach to attitudes in this parliament. Her leader is driven by one thing, which is an absolute hatred of the Liberal Party and anything that the Liberal Party might do. In following his hatred of the Liberal Party—

Senator Milne: Madam Acting Deputy President Boyce, I rise on a point of order. It is against the standing orders to reflect on the motivation of other senators in this parliament. I would ask that the senator withdraw.

The ACTING DEPUTY PRESIDENT (Senator Boyce): Senator Milne, there is no point of order. Senator Macdonald, you may like to consider your comments and the courtesy thereof.

Senator IAN MACDONALD: Thank you, Madam Acting Deputy President. You can see with the Greens political party that when the truth is put out there they do everything possible to stop free speech and to stop senators in this chamber expressing their views on why different political parties take the approach that they do. During this session the Greens have joined with the Labor Party in stopping free speech on a wide range of bills. That debate is supposed to be the purview of this parliament. We are meant to talk about policy issues, to talk about legislation and to suggest improve-
ments, even if we agree with the bill in the ultimate vote. Debate is essential if you are going to have a democracy. You can understand from the Greens and the Labor Party that they are not terribly keen about parliamentary democracy. They just want to ram through secret deals that the Greens political party and the Labor Party have got together and done behind closed doors, usually without consultation.

The Greens leader, Senator Brown, is not an environmentalist. I think that is becoming more and more obvious. He is, as is increasingly obvious, just an old left-wing socialist of the Eastern European style of old, and he will do everything to support the Labor Party—particularly the left wing of the Labor Party—to destroy this country. I do not say that about all members of the Greens political party. I happen to know that there are a couple in the party—for example, Senator Siewert; I do not want to embarrass her—who are genuine environmentalists, who believe in what the Greens originally stood for. I know that Senator Siewert, from her body language, is as embarrassed as I am at times by the way that her leader carries on with an approach to his policy considerations that is based on an absolute hatred of the Liberal Party.

Senator Siewert: I rise on a point of order, Madam Acting Deputy President. I do not think the senator should be interpreting body language in the chamber, and I certainly put on the record that he has misinterpreted any body language he thinks I may have displayed.

The ACTING DEPUTY PRESIDENT: Senator Macdonald, I would think it is clear that you cannot know Senator Siewert's motives.

Senator IAN MACDONALD: I hardly think that is a point of order, mind you, Madam Acting Deputy President Boyce, but I accept what Senator Siewert says. It is hardly a point of order but I accept it as a debating point. Perhaps it is not the body language that has led me to the view I have; perhaps it is other things. Never mind, I accept what Senator Siewert has said. However—and I hate to embarrass her—I accept that she is a genuine environmentalist, and I cannot say that about too many others in the political party that she represents. This bill, and the approach Senator Milne has taken to it, demonstrates that clearly. I repeat: if you had heard the first 15 minutes of Senator Milne's speech, you would have said that, yes, she understood the bill and was going to vote for it. But in the end she had to find some way of opposing the bill that the Liberal Party has put up. She said she has had some secret discussions with the minister and he has convinced her that they are going to spend the right amount on solar panels.

I cannot argue the case better than Senator Milne did in the first part of her speech. How could she, at the end, do a complete backflip and indicate that she was not going to support the bill? She rightly says that $160 million was taken out of this fund for the flood levy. I am surprised that Senator Milne raised that. She might remember that her party agreed with the Labor Party to introduce a flood levy. That is unprecedented in the history of this parliament. There are natural calamities around Australia all the time, and every time that has happened the Commonwealth has put in a certain amount of money and the states have put in their share of money. Never before has this parliament had to raise a special levy to help a state, which they had to do in this case because Queensland was broke, through the financial mismanagement of Ms Anna Bligh, the Premier of Queensland, and her government. Queensland did not have the money in the Treasury to do the sorts of
things that every state does following a series of natural calamities.

So a special levy was introduced just for Queensland, because the Queensland government was broke and could not pay its way. Ms Bligh, the Queensland Premier, had to come up with something. She had spent all last year running around disaster areas in Queensland, appearing before TV cameras and taking charge as the field marshal of the rescue efforts. I know that a lot of the people involved in the rescue efforts wished she had not been there, because they wanted to get on with the job of helping people and not doing photo opportunities for a Premier who, prior to that, was so low in the opinion polls that she would not have led the Labor Party to the state election. Fortuitously, I guess, for those of us of a different political persuasion, Ms Bligh is still there and, politically, we should be grateful for that.

Madam Acting Deputy President Boyce, this flood levy was brought in, you might remember, by the Greens political party and the Labor Party. But was it a taxation that affected all Australians, particularly the wealthy Australians, in the same way? No, of course it was not. It was a flood levy on individuals. Companies like Rio Tinto, BHP and Xstrata minerals, the very wealthy multinational mineral companies that the Greens always rail about, were excused from the flood levy. Talk about looking after the top end of town! And Mr Graeme Wood, with all of his companies—that is, Mr Graeme Wood, the significant donor of $1.6 million to the Greens political party—did not pay the levy on his company income either, because the Greens conspired with the Labor Party to excuse the top end of town from that flood levy that Senator Milne mentioned.

I would like to point out that we always have the Greens railing against Coles and Woolworths, with all of their profits, were let off entirely; they did not have to pay a cent of the flood levy. But the butcher and the baker in the complex that compete with Woolworths and Coles had to pay the flood levy. Talk about looking after the top end of town, which the Greens have, equally as well as their political hypocrisy, become recognised for. Senator Milne rightly said that the $160 billion was taken out of this program to meet the flood levy pool that was being put together by the government to help Ms Bligh in her campaign to remain Queensland Premier. As I say, Senator Milne argued the case beautifully except that at the end she had to find some way in which she could not join in voting for something sensible that the Liberals had produced. She has a secret letter—I assume; I doubt that any of the rest of us will ever see it—from the minister saying, 'Trust me; we will look after you.'

Can you believe anything, at any time, that the leader of a Labor Party government ever says? You cannot believe Ms Bligh, because we have seen that most of the promises she made before the last election were junked immediately afterwards. We saw Mr Keating, leader of a former federal Labor government promising laylaw tax cuts. He had already legislated for them, but after the election he reneged on the legislation; he withdrew and cancelled it. Of course, the current Labor leader, Ms Gillard, promised, 'There will be no carbon tax under a government I lead', and Senator Milne is congratulating Ms Gillard for breaking her solemn promise to the Australian people by introducing that carbon tax. You have Ms Gillard giving an ironclad guarantee they would not reduce the subsidy on private health insurance, and what do you have? We have just passed the bill, with the Greens and the Labor Party joining forces to get the
numbers to do exactly what she promised they would not do.

Senator Milne is relying on this letter she got from a junior minister. Can I say to Senator Milne, have a look at what happened. You cannot believe any promise made by any leader or junior minister of an Australian Labor Party government, be it state or federal. Again in this instance the Labor Party promised that this scheme would run through to 30 June this year; applications would be taken and the money spent—Senator Milne said all this—but suddenly and typically of Labor Party governments that promise was junked; it meant absolutely nothing.

By contrast, the coalition has put up this bill in good faith, expecting—perhaps foolishly—that the Greens would support this. We heard the comments by the Greens in the media immediately after the government broke its promise and brought this forward to the end of February. Senator Bob Brown was as usual in front of the TV cameras railing against the government but, when there is the opportunity to do something more than get a photo opportunity out the front, what does Senator Brown do? He rolls over and supports his leftie mates in the Australian Labor Party; whereas we introduce this bill to comply with the government's promises, promises which we supported. This bill requires no new funding to reinstate the full solar hot water rebate. All funding is within the government's own budget allocation. It is very important that this bill be passed this sitting, because if the rebate is to be reinstated by the end of the financial year then it must be done in this last sitting session before the budget.

One thing that Senator Milne was quite correct about was when she said, 'Certainty is what the industry needs.' Certainty is what the industry needs, but does this Labor Party government give the industry any certainty whatsoever? We know what industry turmoil there was when the pink batts program was put forward and then taken away. We know the uncertainty that has been created throughout this industry from day one by the Labor Party. Senator Milne is quite right to say the industry needs certainty; that is what she and her leader insist their party does on this bill, and yet they will oppose it. They will ensure that industry does not have the certainty that the Greens so hypocritically call for, yet when they have the opportunity to vote for it they roll over again to the Australian Labor Party.

I hope that my words in this chamber have at last struck a chord with Senator Bob Brown. I see he has just come into the chamber for one of his rare appearances and that he is talking to his deputy leader, Senator Milne. Perhaps as a result of the arguments of coalition members, the Greens will change their view and they might be intending to support this bill. I certainly hope that is the case. If they do, I will withdraw some of the comments I have made about the Greens' hypocrisy. I do not think I will have to, because the leader of the Greens' attitude is not based upon good environmental policy; it is based on other aspects of his life in this chamber. Time and time again, this week even in this chamber, Senator Brown has demonstrated what his purpose in the Senate is. I was going to suggest someone who could lead the Greens better, but I will not do that. I know there are a lot of rumblings within the Greens about their current leadership. I have a view that something will happen. I was going to put in my two bob's worth on who should be the new leader of the Greens, but that would be the kiss of death, so I will not do so.

But I go back to this bill, which is an important bill. It should be supported. I hope the Greens will follow the letter of the first
part of Senator Milne's speech for all of the reasons she mentioned and will support what is a very sensible bill. It is a bill that would be very significant for the industry and would help, in a genuine way, reduce greenhouse gas emissions.

Senator FAULKNER (New South Wales) (10:50): As senators would be aware, late last month the government announced it would wind up the solar hot water rebate scheme on 30 June this year. The Renewable Energy Bonus Scheme, which everyone seems to call REBS, the assistance for solar hot water systems, was introduced in 2007 under the Howard government. It was introduced by the then Minister for the Environment and Water Resources, Mr Malcolm Turnbull, as an interim or bridging program that would wind up at the introduction of a comprehensive carbon pricing scheme. It was never intended to be an ongoing program. The Labor government expanded the program in 2009 and indicated that it intended to close the scheme on 30 June 2012.

The Renewable Energy Bonus Scheme guidelines since early 2011 have clearly indicated that customers have a four-month period in which they can make a claim for a rebate. The final four-month period to claim a rebate was from 28 February to 30 June and, of course, that period is now underway. People are eligible for the rebate through to 30 June for a system that has been installed, ordered or purchased before 28 February. It is expected that some claims lodged in this final four-month period will be processed after 30 June this year. The government, of course, will honour those rebates. Accusations that the scheme was being scrapped, ended abruptly or ended prematurely are simply not correct. These accusations are typical of the sort of overblown rhetoric and inaccurate claims that have become a hallmark of the current opposition.

A suite of support programs begin on 1 July this year under the government's Clean Energy Future plan, replacing interim measures such as REBS. These are more cost-effective and properly integrated programs designed around the carbon price. When the carbon price scheme starts on 1 July, the solar hot water industry will be receiving support in four ways. First, the carbon price itself will create a stable, long-term market for solar hot water. Second, the Low Carbon Communities program will provide $330 million to councils, communities and low-income families to improve energy efficiency in homes and buildings. Third, the $800 million Clean Technology Investment Program will give the solar hot water industry an incentive to retool and modernise the manufacture of these units. Fourth is the support the industry will receive through the renewable energy target. Essentially, consumers can be offered up to a $1,000 discount via the STC scheme. I do note in this area that there seems to be nearly as many acronyms as there are in Defence. I have just talked about the renewable energy target. That is very old fashioned; you call that RET these days. The old-fashioned way of describing the STC scheme might be the small technologies certificate scheme. Be that as it may, the scheme has been in place since 2009 and will continue to provide support to the industry.

The solar hot water industry has received substantial assistance from the government and will continue to be well supported in recognition of the important role it is playing in creating a cleaner, more energy efficient economy. Support for solar and heat pump systems will continue through state and territory programs and under the government's renewable energy target and Low Carbon Communities program. Manufacturers can also seek assistance under the Clean Technology Innovation Program.
that supports further innovation and product improvement. The government has provided over $320 million under the Renewable Energy Bonus Scheme since its introduction to help more than a quarter of a million Australian households replace older, more carbon-polluting hot water systems with renewable, climate-friendly alternatives. I think it has been a real success; this is genuinely a real credit to the government. We have heard quite a lot of unnecessary bluster from the opposition on this issue, which of course is their normal modus operandi on such matters. But I have got to say that I find it a bit rich for the coalition to lecture the government or the Senate or, frankly, anybody on its response to climate change—a lecture from a party whose leader believes that climate change is 'absolute crap'. Even more concerning is the knowledge that Mr Abbott's very backward and recalcitrant and negative view about climate change is quite mild in comparison to the views of some of his coalition colleagues in this chamber.

In conclusion to my contribution in the second reading debate on the Solar Hot Water Rebate Bill 2012, I would say that really the opposition has been very reckless when it comes to economic considerations around this issue. The Solar Hot Water Rebate scheme is a demand-driven program. Any extension to the program would have very significant budget implications, leading to a substantial—and I would believe—unquantifiable impact on the budget bottom line. So, apart from anything else, we have fiscally irresponsible and opportunistic grandstanding on this matter from the opposition—and of course this is the opposition that senators know have been authors of a $70 billion budget black hole. I really do think that when it comes to the economy and when it comes to the environment, the best the opposition can do is leave it to the experts on this side of the chamber.

Senator McKENZIE (Victoria) (11:02): I rise also to speak in relation to the government-scraped Solar Hot Water Rebate program and to support the Solar Hot Water Rebate Bill 2012 presented to the Senate today by Senator Birmingham, which we are considering. The bill itself is very succinct and very simple. If I could sum it up in four words, it is simply about sticking to the plan. The bill seeks the government to continue the program till the end of the financial year and that the remainder of the budgeted amount for the solar hot water rebate for the 2011-12 financial year be available to Australians for them to put solar hot water in their homes.

Right across the nation, small businesses, farmers, communities and families are concerned about the uncertainty generated by the government's policy backflips. Why? Once again, it indicates to us so clearly just how out of touch this government is. In the real world people plan. In the real world businesses plan. We look ahead, we assess our risks, we plan a course of action and then we resource it and deliver on it. This process is the same for businesses assessing where they are going to place their scarce resources, where they are going to invest. Families ask questions: where are we going to send our kids to school? How do we need to spend our hard-earned dollars? This government has again failed to provide an environment where both these pillars of our society—small business and families—can proceed with confidence to plan and invest and to move forward. The basic tenet of any government is to do no harm to your citizenry, but the scrapping of this rebate, whatever you think about renewable energy, creates a climate of uncertainty and it absolutely does harm.
Today I want to commend those drafting the bill in finding a policy outcome that not only provides certainty for the businesses producing the solar panels and those installing them but also assists the government to honour its budgetary commitments for 2011 and 2012 and assists Australians prepare for the coming rise of electricity costs under the carbon tax.

What a debacle! But, again, it is not a surprise. I heard a senator mention last week that this government reeks of systemic mismanagement, and I would have to agree. It seems inherently contradictory behaviour that on one hand we would be implementing a carbon tax that is going to see families' electricity costs rise, and on the other hand we are actually stripping away families' capacity and, indeed, our skills and training capacity in the workforce, in the manufacturing sector, to assist people to deal with the cost of electricity.

I think the essence of my issue goes to the uncertainty it creates. Certainty is exactly what is required. Certainty is needed by business. I need only to use the example of the pink batts scheme and how the government handled that to see the implications for small business. Certainty is needed by individuals, particularly job certainty around our manufacturing sector significantly at this present time, and it is also needed by our communities. This government is intent on creating a climate of uncertainty—and I mention the Murray-Darling Basin communities that are, right now, dealing with the uncertainty created by the Murray-Darling Basin Plan.

But why would this program and the scrapping of it be any different? This government is uncertain: it is uncertain about its leadership; it is uncertain about its direction and its own agenda; it is sending mixed messages. The Australian people have woken up and they are on to it. And Queenslanders—the lucky ones—will have their say about Labor governments this weekend.

But let us look at the issue at hand. In Victoria, around 20 per cent of household greenhouse gas emissions come from conventional hot water systems. Right across Victoria and the nation, households are making efforts to reduce the greenhouse gas emissions. A switch to solar hot water can actually assist households in reducing their energy use. I again say that, come 1 July, there will not be a household in Australia that is not seeking to reduce carbon emissions. And, of course, installation of solar hot water also helps the hip pocket by ultimately resulting in lower water heating costs, which can drop by as much as 75 per cent.

On 28 February 2012 the government announced the immediate closure of their solar hot water rebate. They may try and make out that the closure is to take place only from 30 June, but this is misleading. Senator Milne in her contribution to this debate outlined some of the confusion around the lodging of documents and the announcement relating to 30 June. The fact is that all of the purchasing and the commitments by households to reducing their greenhouse gas emissions must have been made prior to the government's announcement, otherwise they cannot access this rebate.

Communicating with the public unless it is by 'media release, project announcement, photo op, let's move on' is nothing new for this government. There is no better example than the bike path—or, might I say, up the garden path—debacle that is on the front page of the *Australian* today. As the ANAO report released this week attests, this government cannot manage the simplest of projects through to outcomes, let alone the
There was $40 million wasted in that bike path program alone.

To return to the discussion at hand, families want to do their best to help the environment but miss out on the opportunity to get some support for their endeavours from this government. Families of the workers who manufacture the solar hot water systems are affected, as are the families of those who own the small businesses that supply and install the solar hot water systems who have lost a core chunk of their business and now face an uncertain future. I would like to note Senator Faulkner's comment that it is 'all okay because, come 1 July, we've got this whole suite of programs that are going to be there for solar rebates and the businesses will have certainty and the families will have certainty'. That shows a complete misunderstanding of how small businesses operate. At the end of the day, those small businesses have to keep their workers in work; they have to pay the wages of those workers until those programs come online. It is a significant impact and a risk for those small businesses.

All week we have heard about this government's commitment to small business, and here is a perfect example to demonstrate the strength of that commitment. The Clean Energy Council, on notice of the government's announcement, claimed that 1,200 manufacturing jobs are at risk as well as 6,000 installation, sales and administration jobs. If you are in this industry at this point of time I would imagine your livelihood could certainly be starting to look a little shaky, a little uncertain. Has the minister responsible visited the Rheem factory, spoken to the workers, assured them that this government's policy will not directly impact the certainty of their jobs? I back up these comments by a reference to the industry itself. Simon Terry, the General Manager of Dux, was quoted in the Age on 1 March:

This government makes investment decisions very risky.

He continued:

The ones I am worried about are the small mums and dads, the little guys … who are going to have to sell their factories and close down.

Those are telling words, I think, from the industry itself. I have heard that the worst part about this decision is that it comes so close to the implementation of the carbon tax.

Ahead of the carbon tax, many households across the nation are looking to find ways they can cut their energy use, ways they can achieve the twin aims to reduce carbon emissions and their energy bills at the same time. The rebate would have been thought to be a policy solution for them, but its cancellation reeks of this government's previous mistakes—policy areas where Prime Minister Gillard and her colleagues have consistently overpromised and underperformed. It has the same whiff about it as the scrapped 'cash for clunkers' and the pink batts debacle and I do not want to discuss here the issues of fires and the dodgy installations but simply to mention the toll of that particular program on the small businesses and the installation people who were left in the lurch and had to lay off workers and still have installation batts in sheds. There are numerous other programs scrapped by Labor without warning, policy decisions made on the run and about-faces in the blink of an eye impacting the lives of ordinary Australians without thought by Labor as to what it would mean to them—not that in many instances the policy change was not the right move but that the rapid pace was astounding.

I would like to touch on Senator Urquhart's contribution to this debate today with her critique of John Howard, of climate change policy and of black holes when what
should be being debated is why the ALP is not supporting working families in Australia's manufacturing sector, and that is simply because they have to fix their own black holes, their big budgetary blow-out. Over the last four years they have taken us from a nation with no debt and $70 billion in net assets to one where we are now on track to rack up a record debt of over $136 billion in the middle of the mining boom. We have been dealing in this fortnight with their scrambled attempts to fix this, but the increasing uncertainty in this present climate for families and small businesses is not the way to fix it. It is not the solution.

The ALP does not have the economic credibility that government senators have been crowing about during this debate, and I find it particularly offensive. I want to mention the argument provided earlier around the issue of this bill in the context of it being a demand driven program. It was argued that, in order to be a fiscally responsible government, around demand driven programs when you are setting the budget figure you need to slightly overestimate demand. I think this is the direct quote: 'You need to slightly overestimate the demand when you are setting the budgetary figure.' Well, this must be a new insight from this government on constructing a budget because it does not seem to be a whole-of-government approach. Let us look at the Department of Agriculture, Fisheries and Forestry and the example of the government's farm exit grants. Many farmers in western Victoria were left in the lurch, teetering on the edge of financial ruin, when the government, in a demand driven program, clearly did not assess first what the demand would be, let alone build in a bit of a buffer, and the program was then cut incredibly short only two or three months after its instigation. How is this an example of appropriate planning and budgeting by this government? What confidence can we have?

But let me return again to the bill at hand. The axing of the solar hot water rebate program with no consultation is reminiscent of so much of ALP policy development: it's a problem, let's panic about it, let's have a press release, let's move on to the next problem. Senator Faulkner's reason for scrapping it early was that the new programs were coming on. But what about the workers? What about those businesses that are having to pay wages so that their workers can pay their mortgages and contribute to the economy? This government assume Australian businesses and families have the same approach to financial management that they do—that is, that they do not plan and that they do not have an idea because the government have no plan and no idea. As I said earlier, Australian families are very conscientious in their planning. Australian small businesses are very diligent in the way they invest their money and plan for the future so that they can continue to innovate and provide employment for so many Australian workers.

But Labor are panicked about their budget black hole and they cannot be trusted with money. Each day we learn more about government waste, tax increases, more pain from the carbon tax, and a manufacturing sector under pressure. The government's decision to scrap this rebate does nothing to assist that. With this in mind, I am fully supportive of Senator Birmingham's private member's bill and for three reasons: governments should stick to the plan, they should be financially responsible and they should be looking out for manufacturing jobs.

I call on the Greens to support this bill. The Greens have long been advocates for alternative energy sources, with Senator
Brown even at one stage proposing large-scale solar power plants. Their overall support for solar power is clear and well established. I wonder why they are not running to support Senator Birmingham's bill when they have a chance to show their very real and tangible support for small businesses in this area. They should be supporting this bill and calling upon the government to not rest on their laurels, to not just move onto the next policy mistake, but to support people whose livelihoods rely on the increasing popularity of solar energy and households set to benefit from reduced energy bills in the face of the cost of the new carbon tax. I encourage the Greens to support Senator Birmingham's bill and to provide certainty for Australian families, workers and small business. I commend the bill to the Senate.

Senator MOORE (Queensland) (11:17): It is wonderful to see people talking about the issues around solar energy in any debate, and I am really keen to discuss moving forward with this process today.

When this Solar Hot Water Rebate Bill 2012 was introduced, the Renewable Energy Bonus Scheme was clearly defined as an interim scheme, one that was being introduced to encourage people to look at changing their practices and to making decisions around how they could best have solar energy in their homes. There was a clear understanding that it was going through until June 2012. There is no doubt that it was not going to have an end date. There now seems to be this amazing focus in this debate that the only way that people in Australia were going to look at changing the way they had solar hot water was if this bill was in place. That was never the intent. The intent was as an incentive, as a bonus to get people to change their ways of thinking, and that has worked. I applaud the way that this bill has been operating in that time frame.

We can see by the figures that have already been mentioned in the debate today that far more people than the original proponents of the bill in 2007 had expected—many more than had originally been planned for—made the decision and looked at using solar power, worked with producers in the field and made the change. That is a great thing. No-one can deny that. But if this debate hinges on the fact that the only way that Australians will look at taking up solar energy will be if they get an immediate rebate then that undersells the population. In many ways this interim bill has succeeded in its intent to make people think about the need for change. In fact, we know that in many areas of construction in new homes the only option is looking at alternate forms of energy for internal heating. We were trying to tell people the costs of old forms of heating, which were the focus of this bill, and to look at different arrangements and encourage them to ask questions, and to encourage businesses to introduce a range of options in their marketing that were not available up until the early 2000s. There was only the one product available and that was what we were locked into because we were comfortable with that process of energy and that was what our market was producing.

In the early 2000s, people across the community began to say, 'Hey, we can do better than this', and a number of companies grabbed hold of that incentive and thought they could get more profit through a market they could serve. We can see that it did work. The Renewable Energy Bonus Scheme had its purpose and its time has passed. We are now moving into the formal period of the carbon pricing process, with the range of initiatives that are linked with that. Senator Faulkner went through some of those in his contribution and I share his view about the acronyms habit into which we are falling.
We have had much discussion in this place around the various programs and schemes that are coming through from 1 July this year. The Clean Technology Investment Program is focused on the very industries about which Senator McKenzie was speaking, working with those industries to look at their innovation and good business practice and to have them involved in working with the Australian market to ensure that we, as a whole community, address and embrace issues around renewable energy.

That process, which is a large expenditure of $800 million, will be working to ensure that things like solar hot water systems—but not only solar hot water systems—will continue to be developed. They will bring down the cost of those because we all know that the market-driven forces ensure that, the larger the market, the cheaper the product will be and the greater the incentive for research and development. Australia has a good record in that area. We expect that when the processes around this Clean Technology Investment Program get going, we will, as always, have clever Australian industries working in this area to make sure that they are the best that they can be and to bring with them the market that can be created around that, a market which in some way has been educated and developed through the Renewable Energy Bonus Scheme. But that scheme is not the only driver of change. To hear some of the contributions from the other side, you would think that the only way we will be able to move effectively to clean energy in the future is to retain such a narrowly-based scheme for one single purpose. That is just not true. In looking around at the wider debate about how we can appropriately engage in looking at alternative energy, it seems to me to be an over-exaggerated excuse for not taking further action.

One of the other programs coming through with the price on carbon will be the renewable energy target—the RET scheme. This again is looking at a means of incentive for people in the community, and again they will be able to have a choice. People wishing to use the RET scheme can use it in a number of ways to look at different forms of energy in their home. It is not so narrowly prescribed around just heating; it is looking at other things. We believe very strongly that the debate has moved on, that an interim program from 2007 was there for a purpose, and I think it has worked. I think that more people are looking at alternative forms of energy and that producers are looking at offering a greater choice. But we need to go further than that. We have had the extensive debate in the parliament about the whole area of the price on carbon and moving into a clean energy future. That program has been agreed and the processes will be in place from 1 July.

Certainly the debate has been wide ranging, and I will not have to keep saying 'and we return to the point', because I think the focus of this debate is actually the Renewable Energy Bonus scheme process. I note that there are two bills—one in the lower house and the one we have before us here—but they are both trying to take the debate away from the real purpose. I think they are trying to focus on this particular issue and not the wider areas around what we have to have in this country, which is a complete acceptance that we are moving into an area of carbon pricing, which will involve every citizen. The opposition continue with their opposition to that, and one aspect of their opposition will be focusing on such a narrow bill as the Renewable Energy Bonus Scheme.

I do think that one of the things that does need to happen is continuing work with the industry, and I take Senator McKenzie's
point that there has got to be continuing information, sharing and working with industry. That is occurring. There is no doubt there will and must be discussion between government and industry. I think that, as always, when industry is fearful—which people were when this announcement was made—they tend to overstate the issue, go to the media and call for support. That is a natural reaction. I know that there is continuing discussion with ministers about moving into the future. That is exactly how government works with the community.

I do not think that there is major uncertainty, as has been stated by some of the opposition in this debate. I think that this particular scheme, the subject of this debate, is understood. What we need is greater engagement and clarity from all parties who are moving into such schemes as the clean energy investment program and the renewable energy target. We need industry to understand exactly what their role is going to be and to do the kind of research and development work that I have mentioned which will make them very effective players into the future.

We are also working with the Low Carbon Communities Program, which is taking the discussion to councils and communities so that people can work at the community level to see how they can change the amount of carbon used, how they can support, particularly, low-income families in their community to minimise their energy costs, and look at the kinds of support that the government is providing and also make that very important community decision about how they are going to operate in a clean energy future. That is a great opportunity for people to look at the use of alternative energies at the local level.

The kinds of programs that will be available through the RET and the development processes will be best understood and taken up by people working together and sharing knowledge. Already there are examples across Australia of communities that are doing that. They have looked at sharing energy costs and at what works best for them. That is the way Australia will be able to achieve the kinds of targets we must achieve and how we will be able to learn from our own experiences and get people involved. Through that process, the information that has been available for the last few years through the Renewable Energy Bonus scheme has been valuable. So many thousands of people in Australia have taken up the scheme and are working with it and will have clear evidence about what their costs of heating have been as opposed to what they would have been if they were still reliant on the old technology and the old models.

In this environment we have the opportunity to be positive and to engage, or we have—as has been seen in the debate today—the ongoing opportunity to keep on opposing and to keep on saying no. In that process I do not think there is any real choice. I think that there will be the understanding from the Australian community that there have been changes. The process will operate differently from 1 July. People will have the chance to make their own decisions around what they are going to do and how they are going to own and control their own involvement with energy costs—with their transport and with the way that they are going to operate their own businesses. That will be, I think, a process where there will be support by government.

Today's bill is, I think, a diversion. Whilst we will go through with the debate, we will hear some common ground. I think that people will actually applaud how good the Renewable Energy Bonus scheme has been and understand why it has been so successful. As I have said, I agree with many
of those comments. What I do not agree with is some pretence that it is the only mechanism for which people will take any opportunity to make their own choices around how they are going to take part in a clean energy future. I do not think incentive bonuses are the only way to reward people or to have people engaged. I think that industry have done a great job over the last few years in marketing in their own way the advantages of the products they have. From my own experience—and from both the newspaper ads and the TV ads—I have seen that people have celebrated the economic value on an ongoing basis of changing to an alternate form of energy rather than sticking with the old forms of energy. People have been able to work out that they will have over time great personal incentive to actually make the changes. They do not need to rely on a scheme—that was developed in 2007 to be an interim scheme—to make them make the choice as to what is going to be best for them, for their families and for their homes.

Senator FISHER (South Australia) (11:30): What is so wrong with business and the Australian people expecting certainty? What is so wrong with expecting certainty from a government? What is so wrong about expecting certainty at the moment is that we have a Gillard Labor government—a Gillard Labor government hand in hand with the Greens which, despite their protestations, would seem to be more intent on touting its green credentials but destroying as many green jobs as they can?

What is so wrong with business expecting certainty from its government? Unfortunately, the only certainty that business and the Australian community can now expect from this Labor government is that whatever they touch in terms of programs they will stuff up. We have had botched, bungled and mismanaged program after program after program. This government can change their ministers as many times as they like but they cannot change their stuff-ups.

In terms of this stuff-up, on 28 February this year Minister Dreyfus prematurely announced—despite what members opposite try to say, there is no way around it, he prematurely announced—the cessation of the $1,000 solar hot water rebate. And he said at the time: 'It's good practice. It's good practice to close this kind of program this way.' Really? What is good practice about in February announcing the closure of a scheme which business and stakeholders rightly had expectations around—because of the government's own announcements and because of what was on government websites. Senator Milne went through some of the website details that industry are entitled to rely upon—if they actually go to the bother of looking at—which clearly showed that, until Minister Dreyfus made his announcement on 28 February, the government and the government's departments expected that this scheme would continue until the end of June. But, oh, no, Minister Dreyfus says, 'It's good practice to close this kind of program in this kind of way'—just before 5 pm; just before the solar shops close on a Tuesday night. It was deliberately announced that way to make sure that the shops were closed and could not do anything about the announcement by the time they heard about it.

This government has caused as many as 60,000 homeowners to miss out on significant savings if they install a hot water system. Senator Moore can talk about what she thinks was supposed to be the intent of a scheme such as this but, irrespective of whether it was the intent of a scheme such as this to help change community attitudes rather than rely upon, as suggested by Senator Moore, the mentality of the community that, 'I will only do this because I...
can get a rebate for it,' the fact remains that the community, stakeholders and business should be able to rely upon the policy underpinnings and the program predictions of this government. But they simply cannot—and there is example after example after example of those spectacular failures.

In terms of this one, again, irrespective of whether solar hot water companies, including Rheem—who has said that it has $10 million worth of stock left to move—and consumers were going to be doing this anyway, a program like this is like a beacon to which moths will gather, and the moths in terms of the stakeholders and industry probably stocked up or manufactured, as in the case of Rheem and a couple of our local manufacturers. They are the very sorts of producers and jobs that this government would have us believe that they are trying to protect. But the government are far more intent, it would appear, on corporate welfare with our car companies rather than sticking to their promises to businesses that are trying their best to hold their own and, for example, manufacture products in this country. Rheem is one of those left with some $10 million worth of stock on hand as a result of the overnight premature cessation of this program—by the stroke of a ministerial pen. Why wouldn't the industry operate on the basis that this scheme would continue until at least 30 June?

Senator Boyce: They should have known; it was a Labor government.

Senator FISHER: Indeed, Senator Boyce; the only certainty with this Labor government is that they can rely on nought other than stuff-up after stuff-up after stuff-up. The Clean Energy Council says that there are about 1,200 manufacturing jobs and 6,000 installation, administration and sales jobs that are now at risk since Minister Dreyfus's axing of the program prematurely.

The government's own budget shows that some $63 million worth of funding was allocated to this program in 2011-12 and $24½ million was set aside for it in 2012-13, which makes a complete mockery of Minister Dreyfus's words when he announced the axing on 28 February, saying: 'It's good practice to close this kind program in this way.' Really? Who is he trying to kid? He cannot even kid himself, it would seem, because, if it is such good practice, the government should have planned it in advance, and they clearly had not because they provided $24½ million for the program in 2012-13. That can only be to pay for applications in the door before 30 June, because at the time they formulated the budget they clearly intended to keep the thing running, as they had promised, until 30 June. They knew they would have some overhang for which to cater. Unless of course they learnt from earlier stuff-ups; unless of course they thought, 'We'll probably stuff this up, so we should provide some $24½ million to mop up our mess.' That is a thought, but I think it is the former rather than the latter, because this government does not seem to have learnt from its stuff-ups of earlier programs.

Remember—because the Australian community does—that there was the sudden closure of the solar panel rebate scheme, under the Solar Homes Plan, by then Minister Garrett in 2009, and the botched, bungled and then axed Green Loans program. That left hundreds of people thousands of dollars out of pocket. There was the cash-for-clunkers program. What about that? What a clunker. It did not even make a start before it clunked. Minister Kim Carr stopped it before it started.

Senator Siewert interjecting—

Senator FISHER: There was another supposedly fantastic and spectacular
program, with not a lot of dollars attached to it, Senator Siewert, so one might suggest: 'What does it matter?' There was not a lot of attention attracted to it either, but there was this thing announced by then Minister Garrett in 2008 called the Renewable Energy Atlas. He announced this thing with much fanfare—it was a website based thing—and said it 'would be a fantastic and invaluable tool for industry, governments and the community as Australia explored solutions to climate change.' He went on to say:

It is an important step in making renewable energy a more viable and practical choice for the future.

So it was launched with much fanfare and much fantastic promise by the then minister in 2008 and then, under the darkness of the night, not even two years later, in October 2010, from memory, all of a sudden the Renewable Energy Atlas totally vanished off the face of the earth. Instead, what was left on the website was a link to some other place, saying:

The data on which the Renewable Energy Atlas was based is now available directly from the originating organisations ... Big deal. If this Renewable Energy Atlas was such a fantastic thing when it was launched by the minister fewer than two years earlier, what had changed in the intervening fewer than two years to make it 'unfantastic'? What about the taxpayers' money that was wasted in the intervening period?

When we tried to ask the various departments about this at estimates, we started off unhappily with the Department of Climate Change and Energy Efficiency, which said, 'It's nothing to do with us. In fact, it never was anything to do with us. You'll have to ask the Department of Sustainability, Environment, Water, Population and Communities.' That was a government program. There is no denying it. Whether it was right or wrong, that is what happened and, overnight, this government, with the stroke of a ministerial pen, destroyed not only the jobs of many workers in the home insulation industry but also the reputation of many decent and long-standing businesses who had been operating in the installation sector. They found their reputations trashed overnight by the fly-by-nighters who had been attracted to the industry by the government's 'Come hither; this is a program which will help save the environment. It'll save us from climate change. It'll create jobs and it'll stimulate the economy.' Instead, you had botches, bungles and an axed program which cost jobs and cost the environment, because that which was put in then had to be checked for safety. There are plenty of
carbon miles in going back up to the roof; plenty of carbon miles in flying inspectors from one city to another to inspect a roof in another state when, apparently, there are not enough accredited people to do it in the state in which the home requiring the inspection is situated; plenty of carbon miles in the disposing of home insulation which is taken out and put somewhere for disposal; and plenty of carbon miles and plenty of cost to the environment with installation products that will not degrade. That program did not create jobs; it cost jobs. That program did not do one thing for the environment; it cost the environment. How can a program which has cost taxpayers at the end of the day—because we are still cleaning up that mess—ever stimulate the economy?

Kevin Rudd, of course, was Prime Minister at the time—ho, ho!—and again, with much fanfare, rolled himself down the lawns of Parliament House to meet with insulation installers protesting Minister Garrett's sudden and overnight closure of the scheme. Then Prime Minister Rudd said to the industry—there are plenty of visuals of him saying it—'I get it, I get it, I get it.'

What did he get? He said, 'I get it,' and he said, 'We will create a replacement program to be in operation by June.' Well, what happened then? Another change of minister, and Minister Combet stopped that scheme before it even got off the ground! He said that the replacement scheme in June 2010 would not happen. So what did Prime Minister Rudd get? What did he mean when he said to the home insulators on the lawns, 'I get it'?

It is very clear now from subsequent events that the only thing then Prime Minister Rudd was focused on was keeping his prime ministerial job. That is all he ever 'got'. He never 'got' the fate facing the home insulation industry, and he never 'got' what was being faced by the workers in the industry whose jobs had been trashed overnight. But he certainly would have got a message during the leadership spat when rolls and rolls of home insulation were left outside his door, apparently by someone who lost around $300,000 in home insulation stock.

These people have not forgotten. They have not recovered and, sadly, some of them probably never will. And yet this government continues to slug families. They are slugging families with a carbon tax from 1 July and they are sacrificing this solar program in the scramble to get back to budget surplus. In my home state of South Australia they are doing so to a program that supposedly helps save on electricity at the end of the day.

In my home state of South Australia we learned this week not only that our electricity prices have risen and not only that they are kind of expensive but that South Australians are paying the third-highest electricity prices in the world—the third-highest electricity prices in the world! There is no way that this rebate cut does anything other than disadvantage South Australian families who otherwise might have qualified for it. It is simply not good news for families in Adelaide.

Yet, just last April, the member for Adelaide, Kate Ellis, was extolling the virtues of green energy and lauding what she called the 'Adelaide Central Market iconic solar installation,' saying:

South Australians understand we need to protect our environment and move the nation to a clean energy future, ... With or without this government, South Australians may well understand that. But they are now learning that they cannot have any confidence in this government and that they cannot have any certainty that this
government will help them move to that clean energy future of which the member for Adelaide so vacuously spoke. I just do not get how axing this solar program rebate moves us to the member for Adelaide's clean energy future.

The bill before us seeks to reinstate the rebate for the period this Labor government promised it would be in place. It is pretty simple; it does not need any more money. The money has already been allocated by the government in the budget, because this very government expected that this program would continue until 30 June. It does not matter what members opposite say, despite Parliamentary Secretary Dreyfus saying that this is the right way to axe the scheme and that this is good practice to close this program in this way. It would be good practice, Parliamentary Secretary Dreyfus and Prime Minister Gillard, to give the Australian people some certainty. Thank you.

Senator BOYCE (Queensland) (11:50): I cannot say it has been educative but it has been interesting to listen to the speeches from the members opposite today, and I include amongst the members opposite the Greens and the interesting contribution from Senator Milne.

I would like first to examine Senator Faulkner's comments in relation to this. He very happily sat there and told us that this rebate scheme had first been introduced by then Minister Turnbull in 2007 and that the Labor government expanded the scheme in 2009, intending to close it on 30 June 2012. It was then that his speech and reality separated. He said that it took four months or so to process rebates, so close it on 28 February and most of the rebates will be paid out by 30 June—as though this were actually the intention.

Of course, perhaps the very beleaguered small business people and manufacturers of Australia should have learned by now not to trust this government when it provides rebates. But to suggest that there is nothing wrong with closing a scheme that was due to run out on 30 June on 28 February is the most ridiculous garbage I have ever heard. It is, I think, not worthy of Senator Faulkner. I thought he had some vague idea of how the business community in Australia worked. I know most of his colleagues do not, and I know that the Greens certainly do not, but I did think that Senator Faulkner had some vague idea about how business in Australia operates. On 28 February, when the announcement was made by Parliamentary Secretary Dreyfus—as Senator Fisher points out, once the shops had closed—did Senator Faulkner genuinely think that there would be no solar hot water installers or solar hot water manufacturers caught by this decision? Did he genuinely think that he would not harm Australian businesses with that decision? 'Of course they'd know that if we said 30 June we really meant 28 February!' It is beyond belief that this could even be put up as some sort of vaguely reasonable suggestion by the other side.

Of course, as Senator Macdonald pointed out earlier today, the first 15 minutes of Senator Milne's contribution would have had you believe that the Greens would support our bill to reinstate the solar hot water rebate scheme, because this is one of the ways to reduce emissions and clean up the Australian environment. But she finished by saying, 'I think it's all a good thing, but I had a little talk to Parliamentary Secretary Dreyfus and he tells me he'll sort it out later.' Whether this scheme is reinstated next year or not—which perhaps is what Parliamentary Secretary Dreyfus has told Senator Milne that he will do—is completely beside the point. There is, as Senator Fisher pointed out, $24½ million
in the 2012-13 budget for this program. Perhaps once they have finished playing ducks and drakes with the budget they will use that money to reinstate the program, but we have a four-month hiatus and, as has been pointed out here, during that four-month hiatus sales in this area are going to drop significantly. There will be virtually no movement for the next four months or so.

There are up to 1,800 jobs likely to be lost because of the government's action here. There are 60,000 homeowners who will not have the opportunities they would otherwise have had to have this rebate. Of course, it just goes onto the list of the many, many issues that this government has caused with its untruths and its lies to Australian business in relation to the insulation batts scheme, rainwater tanks, solar panels and green loans. The whole lot have been a serious issue, and I am ashamed that the Greens are not going to be supporting this legislation.

Senator RONALDSON (Victoria) (11:56): I most certainly support the Solar Hot Water Rebate Bill 2012, and I move:

That the question be now put.

A division having been called and the bells being rung—

Senator Jacinta Collins: Mr Acting Deputy President, I seek leave to cancel the division.

Leave granted.

Question agreed to.

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

The Senate divided. [12:02]

(The President—Senator Hogg)

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Question negatived.

Senator MILNE (Tasmania—Deputy Leader of the Australian Greens) (12:04): Mr President, I seek leave to table a letter pertaining to the debate that we have just had. It is the letter from Mr Dreyfus to me regarding solar hot water. I have discussed
the matter with Senator Birmingham and Senator McEwen.

Leave granted.

Assisting Victims of Overseas Terrorism Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

At the end of the motion, add "and the bill be referred to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012".

Senator FISHER (South Australia) (12:05): When I was rudely interrupted whilst speaking on this bill earlier, I was admiring the government's continued inability to have the courage of its policy convictions. If this government truly does have so, as for example Senator Singh suggested, when speaking against this bill last week, that the government agrees with much of the policy underpinnings of our bill, so much so that most of them were reflected in a bill introduced into the House by then Minister McClelland. In referring to that fact, Senator Singh said:

... But while one could support the original intention of this bill we are debating here today, the Australian government is already acting on this issue. Last year the then Attorney-General, Robert McClelland, introduced the Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill to achieve a similar purpose to that of the bill we are currently debating.

If the government is already acting, where has Minister McClelland's bill gone? It seems to have gone 'poof' and vanished pretty much in a puff of smoke as has, it would seem, his ministerial career, sadly, as a consequence of the leadership stoush. Where is the government's bill? It looks like it is missing in action, tragically, as are many Australians as a result of the various sorts of terrorist activities, the consequences of which this bill is designed to address. There is nothing radical in this bill but there is a lot of compassion in it.

Debate adjourned.

NOTICES

Presentation

Senator Collins to move:

That the following matter be referred to the Procedure Committee for inquiry and report:

The routine of business and the precedence granted to the motions to refer matters of privilege to the Committee of Privileges when the President gives precedence to such matters.

Senators Di Natale and Rhiannon to move:

That the Senate—

(a) notes that:

(i) on 1 November 2010, $120.5 million was made available through Medicare for eligible midwives to work in private practice, and

(ii) this funding has not been effectively implemented, with only one midwifery group practice able to claim all funding available, 17 months after its implementation; and

(b) calls on the Minister for Health (Ms Plibersek) to:

(i) work, as a matter of priority and within a defined timeframe, with the Council of Australian Governments and Australian health ministers to agree on a nationwide approach, that will allow Medicare eligible privately practicing midwives to gain access to public hospitals and the Medicare funding available,

(ii) ensure women are able to continue to access care for birth at home from registered private practice midwives after 1 July 2013 by ensuring an insurance product is made available to private practice midwives for birth at home, and

(iii) make Commonwealth funding available for mentoring programs so that
midwives receive support as they transition into private practice and access funds available under Medicare.

Withdrawal

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:08): At the request of Senator Cormann I withdraw business of the Senate notice of motion No. 4 standing in his name for today proposing a reference of the Corporations Amendment (Phoenixing and Other Measures) Bill to the Senate Economics Legislation Committee

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:09): I withdraw business of the Senate notices of motion Nos. 1, 2 and 3 relating to Senators Boswell, Cash and Joyce.

COMMITTEES

Selection of Bills Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (12:09): I present the fourth report of 2012 for the Selection of Bills Committee and I seek leave to have the report incorporated in Hansard.

Leave granted.

The report read as follows—

SELECTION OF BILLS COMMITTEE
REPORT NO. 4 OF 2012

1. The committee met in private session on Wednesday, 21 March 2012 at 7.38 pm.

2. The committee resolved to recommend—

That—

(a) the provisions of the Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 1) 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 18 June 2012 (see appendix 1 for a statement of reasons for referral);

(b) the orders of the Senate of 1 March 2012 and 24 March 2011 adopting the committee’s 2nd report of 2012 and 4th report of 2011 respectively, be varied to provide that the Assisting Victims of Overseas Terrorism Bill 2012 and the provisions Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012 (see appendix 2 for a statement of reasons for referral);

(c) subject to introduction in the Senate, the Broadcasting Services Amendment (Antisiphoning) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 4 May 2012 (see appendix 3 for a statement of reasons for referral);

(d) the provisions of the Coastal Trading (Revitalising Australian Shipping) Bill 2012, the Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill 2012, the Shipping Registration Amendment (Australian International Shipping Register) Bill 2012, the Tax Laws Amendment (Shipping Reform) Bill 2012 and the Tax Laws Amendment (Shipping Reform) Bill 2012 be referred immediately to both the Economics Legislation Committee, and the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 19 June 2012 (see appendix 4 for a statement of reasons for referral);

(e) the order of the Senate of 1 March 2012 adopting the committee's 2nd report of 2012 be varied to provide that the Corporations Amendment (Phoenixing and Other Measures) Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 8 May 2012 (see appendix 5 for a statement of reasons for referral);

(f) the provisions of the Courts Legislation Amendment (Judicial Complaints) Bill 2012 and the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2012 (see appendix 6 for a statement of reasons for referral);
(g) the provisions of the Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 20 June 2012 (see appendix 7 for a statement of reasons for referral);

(h) the Health Insurance (Dental Services) Bill 2012 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 8 May 2012 (see appendix 8 for a statement of reasons for referral);

(i) the provisions of Judges and Governors-General Legislation Amendment (Family Law) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 8 May 2012 (see appendix 9 for a statement of reasons for referral);

(j) the provisions of the Migration Legislation Amendment (Student Visas) Bill 2012 be referred immediately to the Legal and Constitutional Affairs Legislation Committee for inquiry and report by 18 June 2012 (see appendix 10 for a statement of reasons for referral);

(k) the provisions of the National Health Reform Amendment (Administrator and National Health Funding Body) Bill 2012 be referred immediately to the Finance and Public Administration Legislation Committee for inquiry and report by 9 May 2012 (see appendix 11 for a statement of reasons for referral);

(l) the provisions of the National Vocational Education and Training Regulator (Charges) Bill 2012 be referred immediately to the Economics Legislation Committee for inquiry and report by 9 May 2012 (see appendix 12 for a statement of reasons for referral);

(m) subject to introduction in the Senate, the National Water Commission Amendment Bill 2012 be referred immediately to the Environment and Communications Legislation Committee for inquiry and report by 1 May 2012 (see appendix 13 for a statement of reasons for referral);

(n) the provisions of the Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill 2012 be referred immediately to the Education, Employment and Workplace Relations Legislation Committee for inquiry and report by 18 June 2012 (see appendix 14 for a statement of reasons for referral); and

(o) the provisions of the Wheat Export Marketing Amendment Bill 2012 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 18 June 2012 (see appendix 15 for a statement of reasons for referral).

3. The committee resolved to recommend—

That the following bills not be referred to committees:

- Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012
- Solar Hot Water Rebate Bill 2012

The committee recommends accordingly.

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

- Customs Amendment (Anti-dumping Improvements) Bill (No. 2) 2011
- Customs Tariff (Anti-Dumping) Amendment Bill (No. 1) 2012
- Customs Tariff Amendment (Schedule 4) Bill 2012
- Low Aromatic Fuel Bill 2012
- Protecting Children from Junk Food Advertising (Broadcasting and Telecommunications Amendment) Bill 2011
- Special Broadcasting Service Amendment (Natural Program Breaks and Disruptive Advertising) Bill 2012.

(Anne McEwen)
Chair
22 March 2012

APPENDIX 1

SELECTION OF BILLS COMMITTEE

Proposal to refer a bill to a committee

Name of bill:
APPENDIX 2 (a)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Assisting Victims of Overseas Terrorism Bill 2012
Reasons for referral/principal issues for consideration:
Consideration of the extent and scope of the proposed scheme to be examined. Australian Greens have also moved an amendment for it to be referred for inquiry.
Possible submissions or evidence from:
Possible hearing date(s):
Possible reporting date:
May 2012
(signed)
Senator McEwen
Whip/Selection of Bills Committee member

APPENDIX 2 (b)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Social Security Amendment (Supporting Australian Victims of Terrorism Overseas) Bill 2011
Reasons for referral/principal issues for consideration:
Consideration of the scope and extent of the proposed scheme to be examined. Especially in comparison to Senator Brandis bill on this topic.
Possible submissions or evidence from:
Committee to which bill is to be referred:
Legal and Constitutional Affairs Legislation Committee
Possible hearing date(s):
Possible reporting date:
8 May 2012
(signed)
Senator McEwen
Whip/Selection of Bills Committee member

APPENDIX 3
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Broadcasting Services Amendment (Anti-siphoning) Bill 2012
Reasons for referral/principal issues for consideration:
Continuing levels of debate among stakeholders about the appropriate balance of events on the anti-siphoning list, possible impacts of the legislation and impacts associated with delayed implementation of the Government's proposed changes.
Possible submissions or evidence from:
Possible hearing date(s):
Possible reporting date:
Free-to-air and pay TV media organisations
Sporting code governing/ administrative bodies
Consumer organisations
Committee to which bill is to be referred:
Environment and Communications Committee
Possible hearing date(s):
2012 Autumn recess
Possible reporting date:
Friday 4 May 2012
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 4 (a)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bills:
Shipping Reform Package, comprised of the following:
  Shipping Reform (Tax Incentives) Bill
  Shipping Registration Amendment (Australian International Shipping Register) Bill
  Coastal Trading (Revitalising Australian Shipping) Bill
  Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill
  Tax Laws Amendment (Shipping Reform) Bill
Reasons for referral/principal issues for consideration:
To consider the impact of the Bills on the Australian shipping industry to determine whether they will have their desired effect, that is, to revitalise the Australian shipping industry and increase the number of Australian flagged vessels.
Possible submissions or evidence from:
  Shipping Australia
  Australian Shipowners Association
  Shipping liners: Maersk, Toll, CSL etc
  Shipping users including members of the Dry Bulk Users Group
Committee to which bill is to be referred:
  Senate Committee for Economics
Possible hearing date(s):
  During the autumn recess.
Possible reporting date:
The package is to be implemented from 1 July 2012 so a reporting date in the Budget sitting week may be appropriate.
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 4 (b)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bills:
  Shipping Reform Package, comprised of the following:
    Shipping Reform (Tax Incentives) Bill
    Shipping Registration Amendment (Australian International Shipping Register) Bill
    Coastal Trading (Revitalising Australian Shipping) Bill
    Coastal Trading (Revitalising Australian Shipping) (Consequential Amendments and Transitional Provisions) Bill
    Tax Laws Amendment (Shipping Reform) Bill
Reasons for referral/principal issues for consideration:
To consider the impact of the Bills on the Australian shipping industry to determine whether they will have their desired effect, that is, to revitalise the Australian shipping industry and increase the number of Australian flagged vessels.
This committee should only inquire into the workplace relations and skills aspects of the package.
Possible submissions or evidence from:
  Shipping Australia
  Australian Shipowners Association
  Shipping liners: Maersk, Toll, CSL etc
  Shipping users including members of the Dry Bulk Users Group
Committee to which bill is to be referred:
  Senate Education, Employment and Workplace Relations Committee
Possible hearing date(s):
During the autumn recess.

**Possible reporting date:**
The package is to be implemented from 1 Jul 2012 so a reporting date in the Budget sitting week may be appropriate.

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

**APPENDIX 5**
**SELECTION OF BILLS COMMITTEE**
Proposal to refer a bill to a committee

**Name of bill:**
Corporations Amendment (Phoenixing and Other Measures) Bill 2012

**Reasons for referral/principal issues for consideration:**
Complex and potentially problematic legislation.

Last Bill dealing with Phoenixing issues had to be withdrawn after a unanimous House Economics Committee inquiry identified a number of issues with the provisions of the Bill.

Whilst this Bill is not directly related, it provision do bear scrutiny by the Senate Possible submissions or evidence from:
- Industry stakeholders
- Treasury
- ASIC

Committee to which bill is to be referred:
- Senate Economics Legislation

**Possible hearing date(s):**
- April

**Possible reporting date:**
8 May 2012

(signed)
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:**
Courts Legislation Amendment (Judicial Complaints) Bill 2012
- and Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012

**Reasons for referral/principal issues for consideration:**
Consideration as to whether the bills compromise judicial independence;
Consideration as to whether a model based on the NSW Judicial Commission has advantages or faces constitutional problems.

Possible submissions or evidence from:
- Attorney-General's Department
- Law Council of Australia
- NSW Judicial Commission
- National Judicial College of Australia

Committee to which bill is to be referred:
- Legal and Constitutional Affairs

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

**Possible reporting date:**
To be determined by the committee

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

**APPENDIX 7**
**SELECTION OF BILLS COMMITTEE**
Proposal to refer a bill to a committee

**Name of bill:**
Environment Protection and Biodiversity Conservation (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Amendment Bill 2012

**Reasons for referral/principal issues for consideration:**
To give careful examination to the detail of the legislation

Possible submissions or evidence from:
Committee to which bill is to be referred:
- Environment and Communications

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

Possible reporting date:
To be determined by the committee
(signed)

Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 8
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Health Insurance (Dental Services) Bill 2012

Reasons for referral/principal issues for consideration:
To ensure the Bill addresses the wide concerns of the dental profession regarding the actions of Medicare

Possible submissions or evidence from:
Australian Dental Association; Australian Dental Association (NSW); Australian Dental Association (VIC); Australian Dental Association (TAS); Australian Dental Prosthetists Association; Australian Medical Association; Individual dental health practitioners; Medicare Australia; Department of Health and Ageing.

Committee to which bill is to be referred:
Community Affairs Legislative Committee

Possible hearing date(s):
Week of April 9 - 13
Or
Week of April 16 to 20

Possible reporting date:
May 4
(signed)

Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 9
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Judges and Governors-General Amendment (Family Law) Bill 2012

Reasons for referral/principal issues for consideration:
Consideration as to whether the bills are consistent with sections 3 and 72 of the Constitution, relating to alteration of salaries and entitlements;
Consideration of alternative means of compliance with family court orders

Possible submissions or evidence from:
Attorney-General’s Department Law Council of Australia

Committee to which bill is to be referred:
Legal and Constitutional Affairs

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

Possible reporting date:
To be determined by the committee
(signed)

Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 10
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Migration Legislation Amendment (Student Visas) Bill 2012

Reasons for referral/principal issues for consideration:
To consider the impact of the proposed changes on students, higher education providers and the VET sector.

To scrutinise the legal ramifications of abolishing the automatic cancellation of student visas and ensure these changes have no unintended consequences for industry or visa compliance.

Possible submissions or evidence from:
Over 200 submitters to the Strategic Review of the Student Visa Program including from a number of education providers such as...
universities, TAFE and colleges and the VET sector
Department of Immigration and Citizenship
Department of Education, Employment and Workplace Relations
Australian National Audit Office

Committee to which bill is to be referred:
Senate Legal and Constitutional Affairs Committee

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

Possible reporting date:
To be determined by committee
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 11
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Health Reform Amendment (Administrator and National Health Funding Body) Bill 2012

Reasons for referral/principal issues for consideration:
The role of the Funding Body and the Administrator
Justification for the establishment of additional bureaucracy
Administrative requirements for the Commonwealth, States and other parties
Transparency and efficiency of processes in administering funding
Fiscal implications for the Commonwealth

Possible submissions or evidence from:
Department of Health and Ageing
State and Territory Governments

Committee to which bill is to be referred:
Finance and Public Administration

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

Possible reporting date:
May 2012

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

APPENDIX 12
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Vocational Education and Training Regulator (Charges) Bill 2012

Reasons for referral/principal issues for consideration:
The audits for all registered training organisations will be undertaken on a cost recovery basis. A number of providers have expressed concern that this will unreasonably burden them.

Possible submissions or evidence from:
ACPET
Registered Training Organisations ASQA
DEEWR

Committee to which bill is to be referred:
Economics Legislation Committee

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

Possible reporting date:
To be determined by the committee
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 13 (a)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Water Commission Amendment Bill 2012
Reasons for referral/principal issues for consideration:
An inquiry would provide the opportunity to ventilate views on the governance of the National Water Commission and budget implications.

Possible submissions or evidence from:
National Water Commission
Department of Sustainability, Environment, Water, Population and Communities National Farmers Federation
Australian Conservation Foundation
Water Supply Association of Australia
Australian Water Association
State governments
Committee to which bill is to be referred:
Environment and Communications
Possible hearing date(s):
To be determined by the committee
Possible reporting date:
To be determined by the committee
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 13 (b)
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
National Water Commission Amendment Bill 2012
Reasons for referral/principal issues for consideration:
To assist with appropriate and timely consideration by the Senate of the Bill.

Possible submissions or evidence from:
Committee to which bill is to be referred:
Environment and Communications Legislation Committee
Possible hearing date(s):
Possible reporting date:
1 May 2012
(signed)
Senator McEwen
Whip/Selection of Bills Committee member

APPENDIX 14
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Skills Australia Amendment (Australian Workforce and Productivity Agency) Bill
Reasons for referral/principal issues for consideration:
This Bill seeks to expand the powers of Skills Australia, seeing it morph into the National Workforce and Productivity Agency. There are considerable costs associated with this and we seek further information as to the planned expansion of their mandate.

Possible submissions or evidence from:
Skills Australia
ACCI
Australian Industry Group
DEEWR
Industry Skills Councils
Committee to which bill is to be referred:
Education, Employment and Workplace Relations
Possible hearing date(s):
To be determined by the committee
Possible reporting date:
To be determined by the committee
(signed)
Senator Fifield
Whip/Selection of Bills Committee member

APPENDIX 15
SELECTION OF BILLS COMMITTEE
Proposal to refer a bill to a committee
Name of bill:
Wheat Export Marketing Amendment Bill 2012
Reasons for referral/principal issues for consideration:
To address concerns expressed by stakeholders

Possible submissions or evidence from:
Graincorp
NFF
SAFF
VFF
NSW Farmers' Federation
DAFF

Committee to which bill is to be referred:
Senate Rural, Regional Affairs and Transport Legislation Committee

Possible hearing date(s):
April & May 2012
Possible reporting date:
21 June 2012
Senator Fifield
Whip/Selection of Bills Committee member

Ordered that the report be adopted.

BUSINESS

Days and Hours of Meeting

Senator JACINTA COLLINS
(Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:10): I move:
That the order of general business for consideration today be as follows:
(a) general business order of the day no. 66—Landholders’ Right to Refuse (Coal Seam Gas) Bill 2011 and
(b) orders of the day relating to government documents.
Question agreed to.

COMMITTEES

Foreign Affairs, Defence and Trade Legislation Committee

Reporting Date

Senator McEWEN (South Australia—Government Whip in the Senate) (12:11): by leave—I move:
That the time for presentation of the report of the Senate Foreign Affairs Defence and Trade Legislation Committee on the provisions of the Defence Trade Controls Bill 2011 be extended to 15 August 2012.
Question agreed to.

NOTICES

Postponement

The following items of business were postponed:

Business of the Senate notice of motion no. 5 standing in the name of Senator Boswell for today, proposing a reference to the Rural and Regional Affairs and Transport References Committee, postponed till 8 May 2012.

General business notice of motion no. 608 standing in the name of Senator Rhiannon for today, relating to the Bsafe program, postponed till 8 May 2012.

General business notice of motion no. 716 standing in the name of the Leader of the Australian Greens (Senator Bob Brown) for
today, relating to reimbursement of legal expenses, postponed till 8 May 2012.

BUSINESS
Leave of Absence
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (12:12): by leave—I move:
That leave of absence be granted to Senator Adams from 23 March 2012 to 29 June 2012, for personal reasons.
Question agreed to.

BILLS
Broadcasting Services Amendment (Anti-siphoning) Bill 2012
National Water Commission Amendment Bill 2012
First Reading
Senator JACINTA COLLINS (Victoria—Manager of Government Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (12:13): I move:
That the following bills be introduced: A Bill for an Act to amend the Broadcasting Services Act 1992, and for other purposes, and a Bill for An Act to amend the National Water Commission Act 2004, and for related purposes.
Question agreed to.

Senator JACINTA COLLINS: I present the bills and move:
That these bills be now read a second time.
I seek leave to have the second reading speeches incorporated in Hansard.
Leave granted.
The speeches read as follows—

BROADCASTING SERVICES AMENDMENT (ANTI-SIPHONING) BILL 2012
Introduction
The Broadcasting Services Amendment (Anti-siphoning) Bill 2012 introduces amendments to the Broadcasting Services Act 1992 to reform the anti-siphoning scheme. These amendments will improve the scheme and increase the level and quality of sports coverage on free-to-air television.

On 25 November 2010, the government announced that it would reform the anti-siphoning scheme to enhance television coverage of key sporting events in Australia. The Bill implements these reforms, which have been informed by the statutory review of the anti-siphoning scheme conducted by the government in late 2009 and refined as a result of extensive consultation with stakeholders.

The existing anti-siphoning scheme prevents subscription television broadcasters from acquiring the rights to events on the anti-siphoning list before free-to-air television broadcasters have had the opportunity to acquire these rights. The Bill will maintain this core element of the anti-siphoning scheme, with an exception to allow subscription television broadcasters to acquire the rights to a limited number of listed Australian Football League (AFL) and National Rugby League (NRL) matches.

The Bill will also introduce coverage obligations for free-to-air broadcasters to ensure that all Australians will have access to the best possible television coverage of significant sporting events. These coverage obligations vary...
for different listed events, affording free-to-air broadcasters the flexibility to provide the appropriate level of coverage for individual events and those played as part of larger tournaments.

The Bill also brings the anti-siphoning scheme up-to-date with the modern television broadcasting environment. The Bill's reforms take into account the increased adoption of digital television by allowing broadcasters to fully utilise digital multichannels to premiere certain listed events. The Bill also introduces rules governing the acquisition of listed events by new media services such as internet protocol television providers.

**Listing and delisting events**

Under the existing anti-siphoning scheme, events on the anti-siphoning list are automatically removed from the list 12 weeks before they occur. The Bill extends this period to 26 weeks for all events, and also gives the Minister the ability to extend this period to 52 weeks for AFL and NRL competitions.

This will provide greater opportunity for sports bodies to negotiate openly with subscription television broadcasters for the rights to listed events that free-to-air broadcasters have chosen not to acquire.

The Bill also restructures the anti-siphoning list, allowing the Minister to declare an anti-siphoning event to be listed either under 'Tier A' or 'Tier B', and applying different coverage obligations to each Tier.

**Coverage obligations**

The Bill's coverage obligations will ensure that free-to-air broadcasters that acquire the rights to events on the anti-siphoning list will make appropriate use of these rights. This will greatly improve the operation of the existing anti-siphoning scheme, under which free-to-air broadcasters are not required to televise any events they acquire.

Tier A of the new anti-siphoning list will include nationally iconic events such as the Melbourne Cup and the finals matches of major international and domestic competitions. These events will be subject to strict coverage obligations – free-to-air broadcasters that acquire the rights to Tier A events must televise these events live and to the full extent allowable by the rights they acquire.

Tier B of the new anti-siphoning list will include regionally iconic and nationally significant events such as the round and preliminary matches of international and domestic competitions. These events will be subject to more flexible arrangements designed to maximise overall free-to-air coverage. The Bill will require free-to-air broadcasters to show Tier B events within four hours of play commencing, or with a shorter delay if specified by the Minister. This ability to delay coverage will allow broadcasters to schedule coverage to accommodate audience preferences and time zone differences across the country. Like Tier A events, Tier B events must be shown to the full extent of the rights held by free-to-air broadcasters.

The Bill will allow the Australian Communications and Media Authority to make legislative instruments exempting free-to-air broadcasters from coverage obligations for circumstances in which coverage is unexpectedly interrupted, for example by technical difficulties or power failures.

**Multichannelling**

While the existing anti-siphoning scheme requires that all listed events are shown first or exclusively on a primary or main channel, the Bill will allow free-to-air broadcasters to premiere Tier B events on digital multichannels. With digital television take up at 82 percent of Australian households, this partial lifting of the existing scheme's multichannel restrictions is appropriate and will allow broadcasters to give the best possible coverage of Tier B events.

The Bill requires free-to-air broadcasters to premiere Tier A events on their primary channel, with limited exceptions for Tier A events that overlap with other Tier A events or with regularly-scheduled news coverage. The Minister may also make a legislative instrument exempting broadcasters from the obligation to show Tier A events on a primary channel.
Must-offer arrangements

The Bill's introduction of coverage requirements will also prevent broadcasters 'hoarding' the rights to listed events. If a free-to-air broadcaster acquires the rights to an event but is not able to comply with the relevant coverage requirements, it must, as a minimum, offer these rights on to other free-to-air broadcasters for a nominal consideration of $1. If no other free-to-air broadcaster takes up those rights, they must be offered on to subscription television broadcasting licensees.

These obligations would not prevent a broadcaster from striking an agreement for the on-selling of unwanted rights on commercial terms. Rather, this must-offer obligation provides a 'backstop' to prevent unwanted rights lying fallow and provides every opportunity for full coverage with a preference for free-to-air.

Program supplier obligations

In order to ensure the effective operation of its coverage obligations, the Bill introduces a number of requirements for program suppliers, the commercial entities that supply broadcasters with the rights to televise listed events. The Bill requires a program supplier that acquires the content rights to televise listed events in line with the new scheme's coverage requirements to transfer these rights on to a free-to-air broadcaster, or to another program supplier.

Designated groups

The Bill allows the Minister to declare that certain Tier B events form a 'designated group' for the purpose of the new scheme's coverage obligations. This measure will provide broadcasters with the flexibility to appropriately cover long-form, multi-round tournaments such as the Olympic Games, the Commonwealth Games and the Australian Open tennis tournament.

A broadcaster televising a designated group must provide coverage of the group's events for a period of time that meets or exceeds the 'total minimum number of hours' for that group. This total minimum number of hours will be specified by the Minister in each legislative instrument declaring a designated group.

For example, the Minister may declare the 'total minimum number of hours' for the Commonwealth Games to be 88. A free-to-air broadcaster holding the rights to the group would need to ensure that it provides 88 hours of coverage over the course of the Games. However, there would be nothing to prevent this broadcaster providing more coverage.

The Bill also allows the Minister to determine a 'daily minimum number of hours' in addition to the total minimum number of hours for the entire event. This would only be necessary if there was a risk that a broadcaster might provide an unreasonably low level of coverage on any particular day.

The Bill's designated group mechanism is not intended to cover weekly matches of the AFL and NRL. These events will be listed on Tier B and will be provided for by the Bill's 'quota group' mechanism.

Quota groups

The Bill will introduce specific arrangements for dealing with the AFL and NRL, given the importance of these two competitions on the Australian sporting calendar.

The Bill will require the Minister to make a legislative instrument declaring that weekly matches of the AFL and NRL are 'quota groups' for the purpose of the anti-siphoning scheme. When making a quota group instrument, the Minister must specify a 'quota number', which indicates the number of events in a group that must be shown on free-to-air television. This quota number cannot be higher than four matches for rounds of the AFL and three matches for rounds of the NRL, consistent with the government's position as announced on 25 November 2010.

Subscription television broadcasters and new media providers will be able to acquire the rights to a number of weekly AFL and NRL matches, provided that this acquisition will not prevent free-to-air broadcasters from acquiring a number of matches that is at least equal to the group's quota number. In this regard, subscription television broadcasters may negotiate directly with the AFL or NRL in acquiring quota group matches in excess of the quota number.
For example, the Minister may declare that an eight-match round of the NRL premiership season is a quota group, with a quota number of three. This would mean that subscription television broadcasters could acquire the exclusive rights to up to five matches of this round. A subscription television broadcaster could also acquire the rights to the other three matches of this round, so long as the acquisition would not prevent a free-to-air broadcaster from being able to acquire the rights to those three matches.

When making a quota group instrument, the Minister may also specify one or more 'associated set conditions' for a quota group in relation to one or more specified licence areas. Through these associated set conditions, the Minister can determine the types of matches to be protected as part of the quota number. This mechanism allows the Minister to ensure that the highest quality events in a quota group will be the matches shown on free-to-air television.

In the case of the AFL, for example, the Minister could specify associated set conditions for the television licence areas in Western Australia regarding the matches involving the West Coast Eagles or Fremantle Dockers. Matches involving these clubs would need to be included in the quota number in these licence areas and therefore could not be exclusively acquired by a subscription television broadcaster.

Taking another AFL example, the Minister could specify associated set conditions that one Friday night match and one Saturday night match are to make up the quota number in all licence areas. Similarly, showpiece matches such as the Anzac Day clash between Collingwood and Essendon could be included in the quota number in one or more Victorian licence areas.

The Bill provides that quota groups without associated set conditions will be known as 'Category A quota groups', while those with associated set conditions will be known as 'Category B quota groups'.

For certainty, it is the government's intent that a 'quota group' legislative instrument be made for the NRL Premiership with a quota number of 3. This is consistent with the government's announced reforms and will mean that subscription television broadcasters can directly negotiate for the rights to 5 matches per round of the NRL Premiership exclusively as well as the other 3 matches non-exclusively.

New media providers
The existing anti-siphoning scheme does not regulate the online rights to listed events in any way. The Bill will address this by preventing the potential for the rights to anti-siphoning events being siphoned off to new media and no longer being freely available to Australian sports fans.

The Bill provides that a rights holder of a listed event must not confer exclusive rights to that event to a content service provider, such as a new media provider. For the purpose of this restriction, these 'exclusive broadcast rights' include the exclusive rights to broadcast Tier A events live; the exclusive rights to broadcast Tier B events live or with a delay of less than four hours; and the exclusive rights to broadcast Tier B 'designated group' events live or with a delay of less than twenty-four hours. Additionally, this restriction on the conferral of rights to anti-siphoning events applies only to events that are held in Australia.

In the case of the Bill's quota groups, new media providers are treated the same as subscription broadcasters, and are therefore able to acquire the rights to quota group matches as long as this acquisition does not prevent free-to-air broadcasters from acquiring the rights to a number of matches that is at least equal to the quota number.

Application of scheme to existing rights
Subject to a fixed commencement date after Royal Assent, the Bill's coverage obligations will apply to all listed events acquired since 25 November 2010, the date on which the Minister announced the reforms to the anti-siphoning scheme implemented by the Bill. Events acquired by broadcasters earlier than this date will not be subject to the coverage obligations introduced by the Bill, although events on Tier A of the anti-siphoning list will not be able to be shown first, or exclusively, on a free-to-air broadcaster's multichannel.

Notification requirements
In order to allow the Australian Communications and Media Authority to
effectively monitor compliance with the new coverage requirements, the Bill introduces a number of 'notification requirements' for free-to-air broadcasters and their program suppliers. The Bill will require these parties to notify the Australian Communications and Media Authority when they acquire, or cease to hold, rights to listed events and to detail the attributes of such rights. This notification must be made within 10 business days of the acquisition or disposal of the right.

Enforcement
The reforms to the anti-siphoning scheme will be administered and enforced by the Australian Communications and Media Authority. As is the case under the existing anti-siphoning scheme, broadcasters will be subject to the full range of enforcement provisions available under the Broadcasting Services Act 1992. These include criminal and civil penalties, the issuing of remedial directions, acceptance of enforceable undertakings, the imposition of additional licence conditions and the possible suspension or cancellation of a broadcasting licence. Parties that are not traditionally affected by broadcasting legislation, such as program suppliers and persons conferring rights onto new media providers, may be subject to civil penalties for contravening elements of the new anti-siphoning scheme.

Review
The Bill provides for the Minister to cause a statutory review of the anti-siphoning scheme to be conducted before 31 December 2014. It is important that the anti-siphoning scheme and list remain relevant as Australia's media landscape continues to undergo substantial upheaval and change. 2014 provides an appropriate juncture to re-assess the scheme and list as by this time the switchover to digital television will be complete and the rollout of the National Broadband Network will have progressed substantially.

Closing statement
In conclusion, the amendments to the Broadcasting Services Act 1992 introduced by this Bill will greatly strengthen the operation of the anti-siphoning scheme.

The Bill's reforms will ensure that free-to-air broadcasters provide an appropriate level of coverage to events on the anti-siphoning list, taking into account the rights they hold to these events and their unique characteristics.

The Bill will also allow the anti-siphoning scheme to remain relevant in the modern broadcasting environment, by allowing free-to-air broadcasters to use digital multichannels, and by taking into account the emergence of new media providers.

The Bill will therefore secure the availability of the best possible sports coverage on free-to-air television in the future.
nation-wide reporting across all participants and all elements of water reform.

This requires an independent and specialist institution to credibly engage with and report on the progress of water reform. The institution's independence from any one government facilitates its credibility.

The core functions of monitoring, audit and assessment therefore remain both relevant and valuable. There is significant value in high quality, robust assessment and evaluation of progress in implementing the NWI.

The most appropriate institution to conduct oversight of national water reform continues to be the National Water Commission. This was the view of the independent Review which was commissioned by the Australian Government on behalf of the Council of Australian Governments (COAG) and is the approach proposed by the Government.

The Review observed that the role of the NWC will become more important into the future as increasingly difficult water reform measures are addressed. The NWC also has a crucial community transparency role as the auditor of outcomes in the Murray-Darling Basin.

In reaching this view the Reviewer, Dr David Rosalky, conducted consultation with the Australian Government; state and territory governments; monitoring and assessing agencies; water users and industry representatives; environmental bodies; Indigenous representatives; members of the research community; and experts and researchers in water and governance.

To allow time for adequate Parliamentary scrutiny of this Bill prior to the sunset of the current Act, this Bill is being introduced prior to final COAG consideration of the proposed continuation of the Commission. Should the COAG agree any different approach to that embodied in this Bill, the government may introduce amendments to this end.

The National Water Commission functions

In continuing the NWC, the Australian Government proposes to position the Commission to continue robust and transparent oversight of national water reform commitments.

Monitoring

Under this Bill, the Commission will continue to conduct monitoring of trends and actions by all stakeholders in implementing the NWI. This function is critical to maintaining ongoing scrutiny of activities and performance. Through monitoring in areas such as trends in water market activity, the Commission's monitoring role will continue to ensure a flow of information and comprehensive knowledge of the state of reform implementation to both governments and stakeholders.

The ongoing monitoring function enables the Commission to conduct additional discretionary monitoring activities. It is expected that the Commission will engage with all governments and relevant wider stakeholder groups in determining these additional activities.

Auditing

Under this Bill, the Commission will continue to audit progress of all governments against agreed national water reform commitments. Auditing is critical to the successful implementation of national water reforms, and continuing the Commission's role in auditing will assist to maintain the focus on performance in the reform agenda.

The Commission will continue to audit the effectiveness of the implementation of the Murray-Darling Basin Plan, as required under the Commonwealth Water Act 2007. This function is critical to ensure transparent oversight of the implementation of the Murray-Darling Basin Plan.

The Bill also provides for the Commission to undertake additional audit activities on a discretionary basis. I would expect the Commission will engage with all governments and relevant wider stakeholder groups in determining these additional activities and topics to be covered.

Assessment

Under this Bill, the Commission will continue to assess the progress of implementation of the NWI, as proposed under the NWI. This is expected to include rolling assessments of sectoral approaches and analysis of achievements, obstacles, impacts and opportunities for improved
approaches across all NWI related activities. This function is critical to ensuring strong evidence-based transparent reporting and guidance on progress and challenges in implementing national water reform. The Bill specifically provides for the Commission to continue to undertake major periodic assessments of NWI parties' progress in implementing their NWI commitments. The first of these assessments must be undertaken in 2014, and from then on once every three years. I note the assessments have previously been conducted on a biennial basis. Their frequency has been decreased in line with the recommendations of the independent Review, which found the biennial assessments to be too frequent.

This Bill also provides for the Commission to undertake additional assessment activities on a discretionary basis. For these additional assessments, it is expected the Commission will engage with all governments in determining the topics to be assessed.

The National Water Commission operations

The responsiveness of the Commission will be given greater emphasis through engagement with all jurisdictions.

It is envisaged that the Commission will formally engage State and Territory governments through the Standing Council on Environment and Water on at least an annual basis. Moreover, the Commission is expected to provide regular advice on its activities to, and engage closely with, COAG water subcommittees and all jurisdictions. A closer understanding of the activities of the jurisdictions and the circumstances in which their priorities are decided will assist in increasing its effectiveness in supporting the implementation of NWI reforms.

Importantly all Commission reports and significant information will remain publicly available.

Given the refocused functions for the Commission, the Government considers five Commissioners, with the same types of skills, will be required. As a result this Bill reduces the number of Commissioners to five, including the Chair.

With the scheduled closure of all programs funded from the Australian Water Fund, the Bill closes the Australian Water Fund Account and the NWC's specific ability to administer any Australian Water Fund monies, but will enable the NWC to administer Australian Government funding programs that may be allocated to it in the future.

These amendments to the functions and operation of the National Water Commission will ensure high quality advice to COAG as water reforms continues to be even more complex. The Commission's transparent oversight of national water reforms is crucial to Australia's work towards effective and efficient water management and use. The importance of water in securing Australia's economic and environmental future demands no less. Ordered that further consideration of the second reading of this bills be adjourned to the first sitting day of the next period of sittings, in accordance with standing order 111.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

BUSINESS

Consideration of Legislation

Senator JACINTA COLLINS

Leave granted.

Senator JACINTA COLLINS: I move the motion, as amended:

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

- Family Assistance and Other Legislation Amendment Bill 2012
- Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012
Social Security and Other Legislation Amendment (Disability Support Pension Participation Reforms) Bill 2012.

Question agreed to.

MOTIONS

World Tuberculosis Day

Senator PRATT (Western Australia) (12:16): I, and also on behalf of Senator Rhiannon, move:

That the Senate—

(a) recognises that 24 March 2012 is World Tuberculosis Day, in observance of a preventable and treatable disease that still claims the lives of up to 1.5 million people every year, mostly in developing countries and that:

(i) one third of the world’s population is currently infected with tubercle bacillus,

(ii) the World Health Organization (WHO) estimates that the largest number of new tuberculosis cases in 2008 occurred in the southeast Asian region, accounting for 35 per cent of incident cases globally, and

(iii) the number of new cases of tuberculosis each year is still increasing in Africa, the Eastern Mediterranean and southeast Asia;

(b) acknowledges that tuberculosis is responsible for 1 in 4 AIDS-related deaths, making it the leading killer of people living with HIV and that:

(i) less than 7 per cent of people living with HIV are screened for tuberculosis,

(ii) people living with both HIV and tuberculosis infection are much more likely to develop tuberculosis, and

(iii) WHO estimates that by scaling up services and providing integrated HIV and tuberculosis care, it is possible to save the lives of up to 1 million people living with HIV by 2015,

(c) notes that:

(i) more than two-thirds of international financing for tuberculosis services is currently provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria,

(ii) the Global Fund is a key international body providing critical basic services to support many developing countries in the fight against tuberculosis, and

(iii) Australia is a strong supporter of the Global Fund; and

(d) encourages Australia to continue to work bilaterally and with other international donors to address tuberculosis, including through the Global Fund.

Question agreed to.

Nuclear Nonproliferation

Senator SINGH (Tasmania) (12:17): I move:

That the Senate—

(a) affirms its support for:

(i) the goal of a world free of nuclear weapons, and

(ii) the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the essential foundation for the achievement of nuclear disarmament and the cornerstone of the nuclear non-proliferation regime;

(b) notes:

(i) ratification by the United States and Russia of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms [New START] on 5 February 2011,

(ii) unilateral nuclear arsenal reductions announced by France and the United Kingdom,

(iii) the strong working relationship between Australia and Japan on issues of non-proliferation and disarmament, including more recently by establishing the Non-Proliferation and Disarmament Initiative to take forward the 2010 NPT Review Conference outcomes, and

(iv) the unanimous views presented by the Joint Standing Committee on Treaties in Report 106: Nuclear Non-Proliferation and Disarmament; and

(c) calls for:

(i) further cuts in all categories of nuclear weapons and a continuing reduction of their roles in national security policies,

(ii) states outside the NPT to join the treaty as non-nuclear weapon states,
(iii) ratification of the Comprehensive Nuclear-Test-Ban Treaty by all states yet to do so,

(iv) the immediate commencement and early conclusion of negotiations for a verifiable treaty banning the production of fissile material for weapons purposes,

(v) stronger international measures to address serious NPT non-compliance issues,

(vi) Iran, Syria and the Democratic People's Republic of Korea to cooperate fully with the International Atomic Energy Agency (IAEA) and to comply with United Nations Security Council resolutions,

(vii) political and financial support for a strengthened IAEA safeguards regime, including universalisation of the Additional Protocol,

(viii) further investigation of the merits and risks of nuclear fuel cycle multilateralisation,

(ix) exploration of legal frameworks for the abolition of nuclear weapons, including the possibility of a nuclear weapons convention, as prospects for multilateral disarmament improve,

(x) efforts to establish a Middle East zone free from weapons of mass destruction and their delivery systems, freely arrived at by all regional states, and

(xi) efforts to reduce the threat of nuclear terrorism within the framework of the IAEA and the Nuclear Security Summits.

I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for two minutes.

Senator SINGH: This motion was moved by the Prime Minister yesterday in the other place, reflecting the importance of this issue and its place in the architecture of Australian foreign policy. This motion flows from the work of the Joint Standing Committee on Treaties, particularly report No. 106. I thank my colleagues and predecessors for their efforts in recognising the consensus view on this matter. I also had the honour this week of meeting the Director of the Centre for Nuclear Non-Proliferation and Disarmament, Prof. Ramesh Thakur, as part of the United Nations parliamentary group. Prof. Thakur clearly articulated that if we want to deal with the issue of nuclear proliferation we must pursue disarmament. The only way to liberate the world from the terrible potential of nuclear conflict is to disarm, reduce and eventually abolish nuclear weapons.

This motion recognises a number of efforts by Australia and by other nations to contribute to the disarmament regime and to aid its principal instrument, the Nuclear Non-Proliferation Treaty. In 1972 Australia joined New Zealand at the International Court of Justice in actions against nuclear testing in the Pacific. In 1995 we established the Canberra Commission on the Elimination of Nuclear Weapons and in 2008 joined with Japan to establish the independent International Commission on Nuclear Non-proliferation and Disarmament. In 2010 we partnered with Japan to establish the Non-Proliferation and Disarmament Initiative. But if we are one day to realise the goal of a nuclear weapons-free world, a goal I believe is shared by all parties in the Senate, we must continue the campaign against nuclear weapons as a priority in Australia's international agenda. We must redouble our efforts and constantly recommit to a world without the fear of nuclear weapons. I commend the motion.

Senator BIRMINGHAM (South Australia) (12:19): Mr President, I seek leave to make a short statement.

The PRESIDENT: Leave is granted for two minutes.

Senator BIRMINGHAM: I simply wish to associate the coalition with the remarks of Senator Singh. As she indicated, this is a motion that was passed in the House of Representatives this week with the support of all sides. This is an issue that has long
been bipartisan. As Mr Abbott said in the House of Representatives, 'Nuclear weapons cannot be uninvented, but they can be and should be controlled and reduced.' That is certainly our aim. We very much support the intent of this motion and are pleased that it will have the support to pass both houses.

Senator LUDLAM (Western Australia) (12:19): Mr President, I seek leave to make a brief statement.

The PRESIDENT: Leave is granted for two minutes.

Senator LUDLAM: This motion arose from the work of the Joint Standing Committee on Treaties which is chaired by Mr Kelvin Thomson. The report that reflects this motion was a unanimous one. I thank all members of the committee for their work. Australia's advocacy for nuclear disarmament, which I think is agreed by everyone in this place, would have a lot more credibility but for two factors. One is that we include nuclear weapons in our security policy under the US nuclear umbrella. I believe that should be reviewed. We lend our infrastructure and our foreign policy to the idea that nuclear weapons have security utility when of course they do not. The second factor is that Australia exports bomb fuel to nuclear-weapon states around the world, and that is something that we cannot hide from. We sell the precursor material for nuclear fuel and nuclear weapons, and it is the policy of the government and the coalition to expand that trade. We cannot pretend that the safeguards regime under which we export uranium to nuclear-weapon states in any way prevents that material from being used in nuclear weapons programs. I would also note that a matter of only a week or two ago, as Senator Brown has reminded me, the entire chamber apart from the Greens and the Independents voted in favour of leasing nuclear submarines from the United States Navy, before reversing that position.

I would like to acknowledge that in this resolution we see the government taking the advice of the treaties committee to support a nuclear weapons convention. To date Australia has not had this policy, and so this shift is extremely welcome. I expect now that the government will join the majority of countries on the planet in the General Assembly of the United Nations by supporting the resolution calling for the commencement of negotiations on a nuclear weapons convention. Like the landmines, biological and chemical weapons conventions, we need a systematic global framework for abolishing these weapons once and for all.

Senator XENOPHON (South Australia) (12:22): I seek leave to make a very short statement.

The PRESIDENT: Leave is granted for two minutes.

Senator XENOPHON: I indicate that I do associate myself with this motion. It is a very worthy motion, but I think it is important to note that the Australian government, and in fact previous Australian governments, have failed to give adequate support deserved by those Maralinga veterans who were exposed to radiation as a result of nuclear weapons tests in the 1950s in South Australia and in the Montebello Islands off Western Australia's coast. That should be noted with some sadness in the context of this motion.

Question agreed to.

**Indigenous Affairs**

Senator SIEWERT (Western Australia—Australian Greens Whip) (12:23): I move: That the Senate—

(a) notes that in 2008 the Government and the Aboriginal and Torres Strait Islander Peoples
of Australia signed the Closing the Gap Statement of Intent; and
(b) acknowledges that it is too early to accurately measure progress but calls on all parties to reaffirm commitment to its objectives:

(i) To developing a comprehensive, long-term plan of action, that is targeted to need, evidence-based and capable of addressing the existing inequities in health services, in order to achieve equality of health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians by 2030.

(ii) To ensuring primary health care services and health infrastructure for Aboriginal and Torres Strait Islander peoples which are capable of bridging the gap in health standards by 2018.

(iii) To ensuring the full participation of Aboriginal and Torres Strait Islander peoples and their representative bodies in all aspects of addressing their health needs.

(iv) To working collectively to systematically address the social determinants that impact on achieving health equality for Aboriginal and Torres Strait Islander peoples.

(v) To building on the evidence base and supporting what works in Aboriginal and Torres Strait Islander health, and relevant international experience.

(vi) To supporting and developing Aboriginal and Torres Strait Islander community-controlled health services in urban, rural and remote areas in order to achieve lasting improvements in Aboriginal and Torres Strait Islander health and wellbeing.

(vii) To achieving improved access to, and outcomes from, mainstream services for Aboriginal and Torres Strait Islander peoples.

(viii) To respect and promote the rights of Aboriginal and Torres Strait Islander peoples, including by ensuring that health services are available, appropriate, accessible, affordable, and of good quality.

(ix) To measure, monitor, and report on our joint efforts, in accordance with benchmarks and targets, to ensure that we are progressively realising our shared ambitions.

Question agreed to.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee Reporting Date
Senator McEWEN (South Australia—Government Whip in the Senate) (12:23): At the request of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I move:

That the time for the presentation of the report of the Legal and Constitutional Affairs Legislation Committee on the provisions of the Access to Justice (Federal Jurisdiction) Amendment Bill 2011 be extended to 29 March 2012.

Question agreed to.

Gambling Reform Committee Meeting
Senator McEWEN (South Australia—Government Whip in the Senate) (12:24): On behalf of Senator Crossin, I move:

That the Joint Select Committee on Gambling Reform be authorised to hold a private meeting otherwise than in accordance with standing order 33(1) during the sitting of the Senate on Thursday, 22 March 2012, from 5 pm.

Question agreed to.

BILLS
Live Animal Export (Slaughter) Prohibition Bill 2012 First Reading
Senator RHIANNON (New South Wales) (12:24): I move:

That the following bill be introduced: A Bill for an Act to amend the Export Control Act 1982 to prohibit the export of live animals for slaughter, and for related purposes.

Question agreed to.
Senator RHIANNON: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator RHIANNON (New South Wales) (12:25): I move:

That this bill be now read a second time.

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

Leave granted.

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

Leave granted.

The speech read as follows—

LIVE ANIMAL EXPORT (SLAUGHTER) PROHIBITION BILL 2012

As the Greens spokesperson for Animal Welfare I am proud to reintroduce this Greens bill into the Senate to put an immediate end to the horrific treatment of Australian livestock in overseas abattoirs. The Greens are determined to keep campaigning until the cruel live export trade comes to an end. The live export industry has failed to prevent the suffering and deaths of 2.5 million animals during transportation over the past three decades and we have no confidence that it will succeed in preventing animal cruelty under the government’s new supply chain regime. That is why the Greens remain deeply committed to a live export ban.

The Live Animal Export (Slaughter) Prohibition Bill amends the Export Control Act 1982 to prohibit the export of cattle, calves, sheep, lambs, goats or other prescribed animals for slaughter overseas. The ban will be in place immediately, with no delay and no continued cruelty. I pay tribute to my colleague Greens Senator Rachel Siewert, then Australian Greens spokesperson for animal welfare, for first introducing this bill in June 2011, in the weeks following the airing of the ABC Four Corners program about live animal exports, aptly titled ‘A Bloody Business’. The footage exposing extraordinary cruelty was provided by Animals Australia investigators who visited 10 abattoirs in four Indonesian cities in March 2011. The RSPCA then conducted a full scientific assessment of the evidence from this investigation.

The program sparked a public outcry. The Greens were inundated with emails and phone calls from constituents all over Australia who were appalled and outraged by the footage of Australian cattle being subjected to cruel treatment. Australians were horrified to see eye gouging, kicking, tail twisting or breaking, as well as cattle experiencing an average of 11 cuts to the throat, whilst conscious, with one animal suffering 33 cuts to its throat. Senator Siewert responded swiftly by calling for the immediate suspension of export licences followed by a legislated ban on live exports. The minister was slower to respond, taking days to announce a ban on exports to 11 identified abattoirs, and then days later a further announcement of a suspension of all cattle exports to Indonesia. You can read Senator Siewert’s assessment of the government’s handling of the matter in her second reading speech.

Last year the Greens MP for Melbourne Adam Bandt introduced a similar Greens bill into the House of Representatives to immediately end live exports, and the independent MP Andrew Wilkie introduced a bill to phase out the trade in three years. In the days leading up to the vote, more than 20,000 Australians took to the streets to call on the government to ban live animal exports and around 350,000 people signed a petition calling for a ban. Yet only those two MPs supported the bills in the House of Representatives. The major parties remain out of step with public opinion and the outcry will not go away until the cruel and immoral live export trade is stopped.

Senator Siewert outlined the enormity of the live export trade in her speech to the private members bill she moved on this issue:

The sheer numbers of animals involved in this industry are astounding. Between 2008 – 2010 approximately 2,697,569 cattle were exported.
from Australia, in the same three years 10,751,169 sheep were exported and 254,798 goats. Sheep are exported from Fremantle, Portland and Port Adelaide to Kuwait, Jordan, Bahrain, Oman, United Arab Emirates, Qatar, Israel, Lebanon, Malaysia, Singapore and Brunei. Breeder cattle are exported from Darwin, Fremantle and Broome to Indonesia, Malaysia, Philippines, Jordan, Japan, Israel and Brunei. Goats are exported from Adelaide, Fremantle and Sydney to Malaysia, Singapore, Mauritius and Brunei.

The live export trade continues to cause unacceptable suffering for animals. Just this month there was another disaster on board a Brazilian-owned live export ship bound for Egypt, resulting in the death of up to 3,000 cattle. Animals Australia described the tragedy as one of the worst shipboard disasters the live export industry has seen in many years.

The current initiative of the Gillard government to better regulate the export supply chain is too little, too late. Auditing individual livestock sent overseas is not the correct response to ending this cruel trade.

We have already seen the new controlled supply chain regulatory framework break down in Indonesia. In February this year, fresh footage footage taken by courageous animal activists in Indonesia working with Animals Australia was aired on the ABC Lateline program, showing serious and systematic breaches of the government's new Export Supply Chain Assurance System at the Temur Petir and Cakung abattoirs in Jakarta. Viewers saw sickening practices including cattle being held in head restraints for longer than the allowable ten seconds and cattle being taunted before slaughter, placing a big question mark over the government's new regulations which are supposed to protect Australian cattle.

Now that we have this regime it must be enforced properly. Both Meat and Livestock Australia and LiveCorp are motivated by the industry's economic performance rather than the welfare of animals. To maintain any public confidence in the system, the government needs to apply the full force of sanctions.

Since the live export trade with Indonesia resumed exporters have been taking enormous risks by allowing their animals to be slaughtered at 62 different abattoirs in Indonesia. They simply cannot be confident that it will be done properly. In the absence of a ban on live exports, the government should move immediately to reduce the number of abattoirs that Australia exports down to a more manageable number. Further, 12 of those 62 abattoirs do not practice pre-slaughter stunning. Livestock killed at abattoirs that do not use stunning suffer a cruel death. The government's failure to require all exported animals to be stunned before their throats are cut is another set back for animal welfare. The Greens want to see mandatory pre-slaughter stunning enforced in all Australian abattoirs.

In late January 2012 the government headed a trade delegation to the Middle East to examine the livestock trade. The fact that the delegation included no animal welfare experts and gave little prominence to animal cruelty raises concerns about the new supply chain regulations and underlines that the government is not giving priority to animal welfare issues. If the government was serious about making the live export trade more humane, they would have included animal welfare experts on the delegation. This is a symptom of the government's failure to accept the reality of the problem, and is the reason why the Greens believe that an end to animal cruelty can only be ensured with a ban on live exports.

In the United Kingdom the live export trade has also received strong public opposition. In the 1990s the veal crate farming system was banned on animal welfare grounds, but the UK continued to export 500,000 calves a year to continental veal crates, where a calf is kept in a solid-sided crate of wood that is so narrow the calf cannot even turn round from the age of two weeks old. The UK also exported 2 million sheep a year for slaughter abroad. Following a 1995 report by the EU Scientific Veterinary Committee that was highly critical of the veal crate system, and in response to strong public pressure, the EU banned the use of veal crates from 2007. Numbers of live animal exports from the UK have fallen
dramatically since the mid 1990's, and though there continues to be a live export trade the public and animal welfare groups continue to oppose it. The banning of veal crates showed the British public that the power of public opinion can change government policy.

The live export trade, as well as being beset with animal welfare problems that cannot be resolved, is not in Australia's best economic interests.

A key claim of the live export industry is that any cessation of the live export trade will harm the domestic industry as processed meats cannot substitute for live sheep and cattle. The Department of Agriculture, Fisheries and Forestry website states that:

“There is evidence that if Australia were to withdraw from live exports, there would be no increased trade in Australian meats. When Australia's live export trade to Saudi Arabia was suspended, there was no significant increase in the meat trade during that period.”

Yet this assertion does not appear to be supported by the facts. A ban on exporting live sheep to Saudi Arabia was in place between 1991 and 2000. In its 2009 report, ACIL Tasman stated that following the ban on Australian sheep to Saudi Arabia, imports of frozen sheep meat from Australia increased from 7,900 to 25,122 tonnes, an increase of 318 per cent. They concluded that during this time 100 percent of Australian live sheep exports to Saudi Arabia were replaced by chilled sheep meat. They also reported a 300 per cent rise in Australian sheep meat exports to Egypt between 2002/03 and 2005/06 when Australian live sheep exports were stopped. Market substitution has occurred when live exports have ceased.

Several independent economic reports conducted in recent years found that live exports are undermining Australia's meat processing industry. Live exports compete with and undermine Australia's beef exports. The live export trade to the Middle Eastern countries of Kuwait, Qatar and Bahrain, which make up 65 per cent of the market for Australian live sheep, is heavily subsidised by those governments. There is also trade protection in Indonesia to assist processors, feedlots and livestock importers compete against imported Australian processed meats. Economic analysts engaged by Meat and Livestock Australia and LiveCorp have stated that exported meats and live animal exports compete in export markets. A 2011 Meat and Livestock Australia report states that 38% of Australian beef exported to Indonesia ends up defrosted and sold in Indonesian wet markets. A 2008 ABARE report accepted that refrigeration was widespread in the Middle East and did not inhibit a trade in processed meat.

Turning to home, The Australasian Meat Industry Employees Union argues that the Australian meat processing industry is a viable alternative to live exports, and that thousands of jobs would be created by increased domestic processing. They cite Australian Bureau of Statistics data that show the decline in the number of meat processing jobs in Australia, from between 40,000 to 48,000 workers in the 1970s to around 32,000 workers in 2009. There were 475 abattoirs in Australia at the end of the 1970s, dropping to 315 abattoirs by 1995/96. A ban on live animal exports would not only end the cruel suffering of animals, it would see abattoirs re-opened, especially in northern Australia, and create new jobs.

A 2010 report commissioned by Australia's leading meat processors - Tey Bros, Swift Australia and Nippon Meat Packers Australia - into the future of the Queensland Beef Industry and the impact of live cattle exports reached damning conclusions that live cattle exports are cannibalising Queensland's beef-processing industry and that they threaten to destroy $3.5 billion worth of assets, $5 billion in turnover and 36,000 jobs. The report also found that the increased live export of Queensland cattle to Indonesia meant lost processing opportunities in Queensland.

ACIL Tasman's 2009 review into the live sheep trade also found that phasing out live sheep exports would have long-term benefits for farmers and the economy through increased processing in Australia. Australia's major meat processors have confirmed that Australia has the capacity to process all cattle and sheep currently going to live export. If this transition were to occur, the majority of the estimated 10,000...
industry jobs would be maintained if animals were processed in Australia.

This Bill offers a win-win on the issue of live exports. A ban would end the cruelty and create tens of thousands of jobs particularly in regional Australia.

In November 2011 a Senate inquiry released its report on animal welfare standards in the live exports market. The Greens were very disappointed with its recommendations and issued a dissenting report calling for animal welfare standards to be strengthened and to be placed at the centre of any reform. What was apparent is that both Meat and Livestock Australia and LiveCorp had failed to adequately monitor or improve animal welfare practices in foreign markets to which Australian animals are shipped. Meat and Livestock Australia was receiving $5 per head of cattle exported to address animal welfare issues. What we saw on the ABC Four Corners program last year was the utter failure of the Mark I cattle restraint devices, which were commissioned by Meat and Livestock Australia and attracted a $1.2 million taxpayer subsidy, to prevent animal cruelty. We have seen again this year in footage obtained by Animals Australia that serious breaches of animal welfare standards persist in the supply chain.

Ultimately, the Australian Greens believe that there is no way to implement safeguards that can guarantee the humane transport and slaughter of animals in overseas markets. We do not accept that the implementation of a traceability system will adequately protect Australian animals from cruel treatment.

The refusal of the major parties to ban live animal exports has placed the onus on animal rights groups and the general public to keep the pressure on the government to make animal welfare the priority of any action taken on the live export trade. I want to take this opportunity to pay tribute to the many groups and individuals that have campaigned for so long against the cruelty of live exports, long before it head the headlines last year, including Voiceless, Animals Australia, Animal Liberation and the RSPCA. I acknowledge the important work of the Barristers Animal Welfare Panel in offering their legal expertise to promote law reform in animal welfare, and I encourage anyone who cares about this issue to join the World Society for the Protection of Animals, or WSPA's humane chain at www.humanechain.org.au to speak out against live export cruelty. You can also follow the Greens campaign on my website. The success of this campaign will come from building on the widespread support is has already received.

The live exports business is a cruel, inhumane and immoral trade in living beings. It has brought tremendous shame on Australia. The majority of Australians want it shut down. To this end, the Greens call for an end to the live export trade and a move to grow our meat export trade. Such a move addresses our responsibility to end animal cruelty inherent in the live export trade and provides opportunities to create more local jobs, support communities and maintain economic viability for producers.

I commend this bill to the Senate.

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

Leave granted; debate adjourned.

**MOTIONS**

**Farmers and Settlers Association**

**Senator WILLIAMS** (New South Wales—Nationals Whip in the Senate) (12:26): I, and also on behalf of Senator Joyce, Senator Nash, Senator Scullion, Senator Boswell and Senator McKenzie, move:

That the Senate notes:

(a) Wednesday, 28 March 2012 marks 100 years since the formation of the Farmers' and Settlers' Association in Western Australia;

(b) the Farmers' and Settlers' Association formed the Country Party, which in turn became the National Party;

(c) the party has served on the Federal Government benches longer than any other political party in Australia's history;

(d) that the party has produced three Prime Ministers in Sir Earle Page, Sir Arthur Fadden and Sir John McEwen; and
(e) The Nationals have an outstanding record of delivery for regional Australia.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:26): I move an amendment so that the words ‘an outstanding’ be replaced with the words—

The PRESIDENT: You need to seek leave. Is leave granted?

Leave not granted.

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

The Senate divided.

(The President—Senator Hogg)

AYES

Abetz, E
Bernardi, C
Brandis, GH
Colbeck, R
Eggleston, A
Fierravanti-Wells, C
Fisher, M
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Williams, JR

Back, CJ
Birmingham, SJ
Boyce, SK
Cash, MC
Fawcett, DJ
Fifield, MP
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
Parry, S
Ronaldson, M
Scullion, NG
Xenophon, N

NOES

Polley, H
Rhannon, L
Siewert, R
Stephens, U
Thielthwaite, M
Waters, LJ

Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Urquhart, AE
Wright, PL

PAIRS

Adams, J
Bushby, DC
Cormann, M
Sinodinos, A

Conroy, SM
Evans, C
Ludwig, JW
Wong, P

Question negatived.

Senator XENOPHON (South Australia) (12:33): by leave—I indicate that I supported this motion with some reluctance because I think it does set a precedent in terms of the self-congratulatory nature of it. But I indicate to my colleagues in the Australian Greens that if they put up a motion praising their advocacy for environmental issues, I would be quite happy to support that as well.

Australian Defence Force Academy

Senator HUMPHRIES (Australian Capital Territory) (12:34): I move:

That the Senate—

(a) notes the findings by Andrew Kirkham AM, RFD, QC into the ‘ADF Skype affair’, in particular his finding that the Commandant of the Australian Defence Force Academy, Commodore Bruce Kafer AM, CSC, RAN, made no error of judgement in his decisions to commence and conclude the disciplinary proceedings against the female officer cadet;

(b) expresses confidence in Commodore Kafer's performance in his duties as Commandant of ADFA; and

(c) calls on the Minister representing the Minister for Defence (Senator Evans) to explain why the government took 85 days to release the findings of the Kirkham Inquiry.
The PRESIDENT: The question is that the motion moved by Senator Humphries be agreed to.

The Senate divided [12:35]

(The President—Senator Hogg)

Ayes..........................31
Noes.............................37

Majority.....................6

AYES
Abetz, E
Bernardi, C
Boswell, RLD
Brandis, GH
Colbeck, R
Eggleston, A
Ferravanti-Wells, C
Fisher, M
Humphries, G
Joyce, B
Macdonald, ID
Mason, B
Nash, F
Payne, MA
Ryan, SM
Williams, JR

Back, CJ
Boyce, SK
Cash, MC
Edwards, S
Fawcett, DJ
Fifield, MP
Heffernan, W
Johnston, D
Kroger, H (teller)
Madigan, JJ
McKenzie, B
Parry, S
Ronaldson, M
Scullion, NG

NOES
Bilyk, CL
Brown, CL
Cameron, DN
Carr, RJ
Crossin, P
Farrell, D
Feeney, D
Gallacher, AM
Hogg, JJ
Lundy, KA
McEwen, A (teller)
Milne, C
Polley, H
Rhiamon, L
Siewert, R
Stephens, U
Thistlethwaite, M
Waters, LJ
Xenophon, N

Bishop, TM
Carr, KJ
Collins, JMA
Di Natale, R
Faulkner, J
Furner, ML
Hanson-Young, SC
Ludlam, S
Marshall-Young, GM
McLucas, J
Moore, CM
Pratt, LC
Sherry, NJ
Singh, LM
Sterle, G
Urquhart, AE
Wright, PL

PAIRS

Bushby, DC
Cormann, M
Sinodinos, A

Evans, C
Ludwig, JW
Wong, P

Question negatived.

Privileges Committee

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (12:38): I move:

(a) expresses confidence in the President's handling of the recent privileges issue for which Senator Kroger sought precedence; and

(b) notes with dismay the criticisms by the Leader of the Australian Greens (Senator Bob Brown) of the President, both in the Senate chamber on 19 March 2012 and at the Senate doors on 20 March 2012.

Senator McEWEN (South Australia—Government Whip in the Senate) (12:38): I seek leave to move an amendment to the motion.

Leave not granted.

Senator McEWEN: Mr President, I seek leave to make a short statement of no more than one minute.

The PRESIDENT: Leave is granted for one minute.

Senator McEWEN: The government expresses confidence in the President's handling of the request for precedence in relation to a motion by Senator Kroger on 23 November 2011, notes that decisions to refer matters to the Privileges Committee are made by the Senate and notes the Privileges Committee findings relating to Senator Bob Brown and Senator Milne that the evidence did not support the contention set out in the terms of reference and that no question of contempt arises.

The PRESIDENT: Leave is granted for one minute.

Senator BOB BROWN: Mr President, this matter has been largely dealt with in a dissent motion from your ruling at the time. It is being revisited by Senator Abetz because he has had a quite substantial win in this matter—that through the Privileges Committee Senator Milne and I have been found totally innocent of the charges that were made but left with a $70,000 bill to pay. That is a matter for—

Opposition senators interjecting—

The PRESIDENT: Order! Senator Brown, resume your seat. I am giving you the call, but you are entitled to be heard in silence.

Senator BOB BROWN: It was a SLAPP writ. It was entirely successful; it went, through your reference and your advice, to the committee. Senator Abetz has called this a 'legal folly', but let me warn every other member of the chamber that the opportunity comes here for people to move against each other on completely concocted charges, as we saw here, and then leave the senators with that impost. It is a complete breakdown of natural justice.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (12:41): I seek leave to make a statement for one minute.

Leave not granted.

Senator ABETZ: Pursuant to contingent notice of motion, I move:

That so much of standing orders be suspended as would prevent the Leader of the Opposition in the Senate from making a statement for one minute.

Having moved that, that now allows me to make a five-minute statement—a very clever tactic by the Australian Greens! This is a bad day and a bad week, and getting even worse, for the Leader of the Australian Greens. Let us be very clear what my original motion is all about. The motion is not about the privileges issue. It is a motion to express dismay at the deliberate denigration of you and your office, Mr President. Senator Brown on 19 March 2012 made this reference, recorded in Hansard:

… it went past this inadequate President …

With great respect, that was a reflection and should have been withdrawn. Mr President, you may have forgiven the Leader of the Australian Greens for making such a reflection on you because he was upset. In the heat of the moment he may have made that comment. But then, in a very deliberate and considered doorstop interview the very next morning, he said this to the media:

… and this current very poor presidential management of the Senate, and I just have to note it because there will be more of it.

Mr President, you and I will not always agree, but there is one thing that I will accept and that is that you, like most of us in this place, do our very, very best to ensure that the standing orders and the conventions of this place are upheld. All of us from time to time are disappointed by presidential rulings—that is the way of the world—but the Leader of the Australian Greens then so personally attacked the President and, let us not forget, also then personally attacked the Clerk of the Senate, who has no right to respond in this place.

We have seen a vicious lashing out by the Leader of the Australian Greens at everybody that steps in his way. It is the hate media one day, it is the President of the Senate the next, it is the Clerk of the Senate the next, it is somebody else the next day—Senator Kroger in fact—and every now and then I am the culprit as well. Those of us in public life do expect that from time to time we will cross swords with Senator Brown. It is completely unacceptable to denigrate the
Clerk of the Senate in such a cowardly and unacceptable fashion, but it is also completely unacceptable to reflect on the President of the Senate in the manner that he did, not only in the heat of the moment in the Senate but in such a cold, deliberate, calculated way at his doorstop interview the very next morning. We believe that this issue does need to be dealt with because, if order is to be maintained in this place, we need senators to behave in a manner that does not allow for the denigration of the office of President and the holder of that office from time to time. It is fundamentally important and that is why we, as a coalition, have moved this motion to express confidence, Mr President, in your handling of the privileges matter and also to note with dismay the criticisms made by the Leader of the Australian Greens, both in this place and in a media interview.

I must say I was somewhat surprised that the Australian Labor Party did seek to amend the motion. I note they have not pursued the amendment, which would have deleted the references to the denigration of the President. I simply remind them it is their President, a Labor Party President. We, as a coalition, extend as much as we possibly can our bipartisan support for the position and the particular occupant of that position. I ask the Australian Labor Party to give very serious consideration that any vote against the motion that I am suggesting today would be a potential unfortunate reflection by them on their President. I would be delighted if this matter could now move to a vote.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (12:47): Mr President, what a pathetic effort that was. I thought we would hear some defence of this motion from Senator Abetz that had some cogency and relevance to the proceedings of this Senate but, of course, it had none. The first thing that needs to be said here, Sir—and you will agree with this—is that the chair is not beyond criticism and the Senate prevails.

What Senator Abetz is trying to do here is say to this great Senate—after 110 years of its history—that it should be nobbyied in taking on the chair. The opposition would, wouldn't they. They would want the jackboot to be brought into the Senate. That reflects the fact that the Senate is probably at the lowest ebb of behaviour and control that it has been in those 110 years, under this chair, with this rabbler of an opposition—

Opposition senators interjecting—

Senator BOB BROWN: As you can see at the moment. Senator Abetz used the word 'cowardly'. He can take that with a capital C. Isn't this the senator who gave notice of a motion here that the Clerk's performance should be put to a vote just this week? That is unprecedented in Senate history, but dragged down to that level by Senator Abetz and his colleagues. I have no doubt that wiser counsel prevailed and he withdrew that totally derogatory motion as it has not appeared here before the Senate. It should never have been put up, but it is an indication of the level to which Senator Abetz and his crew, with this chair, have taken this Senate.

On the matter of the running of the Senate, the simple matter is that I withdrew three references to the committee on those braying opposite who have connections with donors and so on. They were not referenced through to the committee. But when it came to the Greens and Senator Milne and I, it was referenced to the committee. As a result of that, a huge amount of time was taken up by the committee to find that the charges that came from Senator Abetz were totally baseless. The chair had let them through. I expect that, whatever advice was given to the chair, that was adopted. I have not heard
anything to the opposite. As a result of that, Senator Milne and I are left with a $70,000 legal fee. That is totally contrary to natural justice. Two senators proven innocent by the committee are left with that legislation and then Senator Abetz, who was trained as a lawyer—

Opposition senators interjecting—

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

Senator BOB BROWN: I do not mind them braying over there. They know how wrong they are. That is the simple matter of it, Mr President. They know that they will be able to keep shouting all the way down to the line and they know that they have had a victory on this. They have left that impost on two innocent senators, through that reference which you recommended to the committee chair, and we will bear it. That is where the chamber has got to under this presiding officer with this rabble of an opposition for which no rule is meant to be changed in order for them to prosecute a quarrel and to prosecute the base political level to which this chamber has come with Senator Abetz, Senator Brandis and the people who do their bidding like Senator Kroger and Senator Cash. That is the way it is. That is the way it must be. There will be review back on this.

Opposition senators interjecting—

Senator BOB BROWN: You can hear them braying now. Some of the execrable comments that are allowed by the chair right now would not be allowed if I was yelling out at a speaker on the other side. But that is what we have in this chamber in 2012, the lowest ebb in the whole of its history. That is where we are at. This motion cannot be upheld in its current form because it would simply traduce the reality of what is happening in this Senate in 2012, Mr President. It would be a very bad look

indeed. Of course, you have Senator Abetz as your chief supporter in this chamber, as we can see through this motion. You live with that, Sir; I will live with the opposition he sends in my direction.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (12:52): Mr President, I just want to make it very clear— as the Government Whip, Senator McEwen, did—that the government has every confidence in you as President and every confidence in the decision you made, which was supported by the chamber, to give precedence to the referral of the matters that were referred to the Privileges Committee in relation to Senators Brown and Milne. I also want to make it clear that the government support the Senate Clerk and reject the criticisms made of her and the clerks. We think it is a very poor development where senators seek to impugn the reputation of the Clerk.

I also note that the Privileges Committee found there was no case to answer against Senators Brown and Milne, and I think the finding confirmed that this was a political attack rather than—

Senator Ian Macdonald interjecting—

Senator Bob Brown: Mr President, on a point of order: Senator Macdonald is yelling 'gutless' and so on across the chamber while I am trying to listen to the Leader of the Government in the Senate. I ask you to have him desist.

The PRESIDENT: There should be silence in the chamber so senators can listen to the debate.

Senator CHRIS EVANS: Mr President, I think that reference was politically motivated and I think it has been appropriate that the Privileges Committee has done its job, as it always has in the past, with
independence and a bipartisan approach to making sure that we protect the privileges of the Senate, and I congratulate it on its work.

Senator Ian Macdonald interjecting—

Senator Bob Brown: Mr President, on a point of order: the invective keeps coming from Liberal Senator Macdonald.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Brown is on his feet taking a point of order.

Honourable senators interjecting—

The PRESIDENT: Order! Senator Brown.

Senator Bob Brown: Interjections are disorderly and I ask you—

Honourable senators interjecting—

The PRESIDENT: Order! On both sides! I need to hear Senator Brown in silence.

Senator Bob Brown: I withdraw the point of order. It will make no difference in this chamber.

Honourable senators interjecting—

The PRESIDENT: Senator Brown, you did raise a matter. I just want to make one point clear. From this end of the chamber, when the voices are directed down the other end of the chamber, it is very difficult to hear what people might say. If I am able to detect that there is something that is being said and order should be maintained, then I will maintain order. But there are some times when it is just impossible to detect comments that are being made. I am not trying to get out of anything; I make no apology. That is the construct of the chamber. All interjections are disorderly.

Senator Bob Brown: They are, and it is possible to see when interjections are being made from the chair. And no senator has a privilege over—

The PRESIDENT: Wait a minute.

Opposition senators interjecting—

Senator Bob Brown: Sit down.

The PRESIDENT: No, Senator Brown. You have got the call. It is a point of order. Senator Brown.

Senator Bob Brown: Again, there is no point. The interjections keep coming and I will allow—

Honourable senators interjecting—

The PRESIDENT: Order! Can I remind all senators that interjections are disorderly. Senator Macdonald.

Senator Ian Macdonald: Could I raise a point of order. Where do the standing orders allow a senator to rise in his place and, without leave, just have a bit of a chat? The senator involved thinks there is one rule for himself and another rule for everyone else, but I ask you to sit him down unless he has a point of order.

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

Senator CHRIS EVANS: Thank you, Mr President. As I was saying before I was so rudely interrupted, the government does not believe that the important role of the Privileges Committee should be called into question by the politicisation of the processes. We will not be supporting the Liberal motion that is the subject of the suspension; nor will we be supporting the Greens motions that were tabled referring three other matters to the Privileges Committee. We do not think the political tit for tat that is occurring is an appropriate way for senators to treat the important role of the Privileges Committee. We do not think that any of this is enhancing the reputation of the Senate or the reputation of senators. I again note that the Privileges Committee found that there was no case to answer for Senators Brown and Milne, and I do not think that further referral of matters in a politically-
charged atmosphere, without real cause for those referrals, is an appropriate way for the Senate to proceed.

The Privileges Committee report did find both Senators Milne and Brown to have nothing to answer for. The Privileges Committee also found that the question of the granting of precedence, which is at the heart of much of the dispute here, ought to be referred to the Procedure Committee for consideration. I think that is the appropriate course of action. I think that during the break the Procedure Committee ought to seriously look at this issue of how precedence is granted, in accordance with the Privileges Committee recommendation. That would certainly be our intention, and I think that is the appropriate way for the chamber to deal with these things.

Mr President, I conclude by saying that we think you acted perfectly appropriately in the way you handled these matters. We think the clerks have discharged their duties perfectly appropriately. We think we ought to move on and focus on issues of importance to the Australian people. I move:

That the motion be put.

Question agreed to.

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

Question negatived.

Senator XENOPHON (South Australia) (13:00): I ask that the question be divided and that paragraphs (a) and (b) be put separately.

The PRESIDENT: That is a request that I can entertain, Senator Xenophon.

Senator ABETZ (Tasmania—Leader of the Opposition in the Senate) (13:00): I seek leave to make a short statement.

The PRESIDENT: Leave is granted for one minute.

Senator ABETZ: Mr President, at the very heart of this motion is the expression of confidence in your handling of the recent privileges issue, which has been so derogatorily referred to by Senator Bob Brown, referring to 'Your very poor presidential management' and saying that there would be more of it. Previously he referred to 'this inadequate President'. If the Senate is going to have any respect for the position of President and the current occupant of it, this motion is in fact a job lot. If you do express confidence, how on earth can you then not express dismay? And it was not even a motion of condemnation or censure; it was simply an issue of dismay. These two matters are inextricably interlinked.

The PRESIDENT: I understand that Senator Xenophon has sought that the motion be split into two parts. The two parts would be, I presume, part (a) being put and then part (b), in which case, in motion 723, the first paragraph is the question that is being put before the Senate.

Senator Bob Brown: There has been no agreement by the—

The PRESIDENT: Senator Bob Brown, is this a point of order?

Senator Bob Brown: Yes. I think you are about to agree to Senator Xenophon's request, but the chamber has not given assent to that.

The PRESIDENT: It is at the discretion of the chair, Senator Bob Brown.

Senator Bob Brown: Then the chair may use your discretion on the matter.

The PRESIDENT: Yes.

Senator Bob Brown: In which case I find myself in the unfamiliar territory of agreeing with Senator Abetz, in that the motion should be put in toto.
The PRESIDENT: Senator Xenophon has put a reasonable request before the chair. I believe that that should be acceded to. It is reasonable if Senator Xenophon wants to vote different ways on different parts of the matter. Senator Xenophon, is that the basis behind your request?

Senator Xenophon: Yes, it is, Mr President.

The PRESIDENT: I will put the question. I will first put the question on paragraph (a), which is:

That the Senate—

(a) expresses confidence in the President's handling of the recent privileges issue for which Senator Kroger sought precedence; …

The question therefore is that that be agreed to.

The Senate divided. [13:08]

(The President—Senator Hogg)

AYES

Xenophon, N

NOES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

Question agreed to.

The PRESIDENT (13:12): The question now is that paragraph (b) of motion 723 be agreed to.

The Senate divided. [13:12]

(The President—Senator Hogg)

AYES

Abetz, E
Bernardi, C
Bushby, DC
Colbeck, R
Crossin, P
Eggleston, A
Fifield, MP
Fisher, AM
Gallacher, AM
Hogg, JJ
Lundy, KA
Madigan, JJ
McEwen, A (teller)
Moore, CM
Parry, S
Polley, H
Ronaldson, M
Sherry, NJ
Sinodinos, A
Sterle, G
Urquhart, AE

AYES

Back, CJ
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fifield, MP
Fisher, AM
Gallacher, AM
Hogg, JJ
Lundy, KA
Madigan, JJ
McEwen, A (teller)
Moore, CM
Parry, S
Polley, H
Ronaldson, M
Sherry, NJ
Sinodinos, A
Sterle, G
Urquhart, AE

Bilyk, CL
Brown, CL
Brown, RJ
Carr, KJ
Crossin, P
Evans, C
Faulkner, J
Fisher, AM
Heffernan, W
Kroger, H
Lundy, KA
Madigan, JJ
Marshall, GM
McKenzie, B
Nash, F
Payne, MA
Ryan, SM

AYES

Back, CJ
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fifield, MP
Fisher, AM
Gallacher, AM
Hogg, JJ
Lundy, KA
Madigan, JJ
Marshall, GM
McEwen, A (teller)
Moore, CM
Parry, S
Polley, H
Ronaldson, M
Sherry, NJ
Sinodinos, A
Sterle, G
Urquhart, AE

Bilyk, CL
Brown, CL
Brown, RJ
Carr, KJ
Crossin, P
Evans, C
Faulkner, J
Fisher, AM
Heffernan, W
Kroger, H
Lundy, KA
Madigan, JJ
Marshall, GM
McKenzie, B
Nash, F
Payne, MA
Ryan, SM

NOES

Brown, RJ
Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Siewert, R

NOES

Brown, RJ
Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Siewert, R

Majority.............13

AYES

Back, CJ
Bernardi, C
Bushby, DC
Colbeck, R
Eggleston, A
Fifield, MP
Fisher, AM
Gallacher, AM
Hogg, JJ
Lundy, KA
Madigan, JJ
Marshall, GM
McKenzie, B
Nash, F
Payne, MA
Ryan, SM

NOES

Brown, RJ
Di Natale, R
Hanson-Young, SC
Ludlam, S
Milne, C
Siewert, R

Majority.............13
Thursday, 22 March 2012

SENATE

2593

CHAMBER

NOES

Stephens, U
Thistlethwaite, M
Waters, LJ
Xenophon, N

Sterle, G
Urquhart, AE
Wright, PL

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on operational issues in export grain networks be extended to 12 April 2012.

Question agreed to.

PAIRS

Adams, J
Boswell, RLD
Boyce, SK
Fierravanti-Wells, C
Williams, JR

Wong, P
Conroy, SM
Ludwig, JW
McLucas, J
Carr, RJ

Some people could not make it to the chamber.

Senator Ryan: Mr President, I rise on a point of order. It is tradition, if I understand correctly, that when there is a dramatic change in the voting composition on a motion there might be a four-minute bell beforehand. I am aware that was only a one-minute bell and there was a substantial change in the composition of the voting patterns in the chamber.

The PRESIDENT: I hear what you say, Senator Scott Ryan. I believe that the bells being rung for one minute on that occasion was the appropriate way to go, as the standing orders provide.

Senator Ian Macdonald: Mr President, I raise a point of order on your ruling—only to indicate and to put on record that there are far more than 22 people who supported your ruling and who were in accord with that. Some people could not make it to the chamber.

COMMITTEES

Rural and Regional Affairs and Transport References Committee

Reporting Date

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (13:17): At the request of Senator Heffernan, I move:

That the time for the presentation of the report of the Standing Committee for the Scrutiny of Bills on the future direction and role of the committee be extended to 9 May 2012.

Question agreed to.

Scrutiny of Bills Committee

Reporting Date

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (13:17): At the request of Senator Macdonald, I move:

That the time for the presentation of the report of the Standing Committee for the Scrutiny of Bills on the future direction and role of the committee be extended to 9 May 2012.

Question agreed to.

BILLS

Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012

First Reading

Senator DI NATALE (Victoria) (13:17): I, and also on behalf of Senators Madigan and Xenophon, move:

That the following bill be introduced: A Bill for an Act to provide for the regulation of poker machines to reduce the harm of problem gambling, and for related purposes. Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012.

Question agreed to.

Senator DI NATALE: I present the bill and move:

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

Question agreed to.

Bill read a first time.

Second Reading

Senator DI NATALE (Victoria) (13:18): I move:

That this bill be now read a second time.
I seek leave to table an explanatory memorandum and to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

The Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012 puts a brake on the damage done to the Australian community by problem gambling and poker machines.

It may come as no surprise, but Australians are the world's most prolific gamblers. The average Australian bets over $1,500 per year. This adds up to a staggering $19 billion gambled away annually. This number includes sports betting, horse racing and online gambling. But more than 60 per cent—that is $12 billion dollars—is lost through electronic gaming machines, better known as 'the pokies'.

$12 billion is a lot of money and it comes at a cost to communities. While it is certainly no secret that Australians like a flutter on the Melbourne Cup, there comes a point when the problems caused by gambling become an area of serious social concern.

In fact, the data shows that around 15 per cent of the people who gamble weekly are 'problem gamblers'. These are people who struggle to stop gambling after passing the point at which they can no longer afford to lose the money they are betting. The people that fall within this group—typically, those who can least afford the loss—are disproportionately responsible for a shocking 40 per cent of poker machine revenue. A few hundred thousand Australians are paying a heavy toll, not just in dollars lost but also in terms of lives destroyed.

The Productivity Commission estimates the social costs of problem gambling at $4.7 billion per year. These statistics, as telling as they are, mask the real costs of problem gambling. For every problem gambler there is an entire family whose lives can be shattered. Social workers every day hear stories of people losing their homes, kids sent out to get jobs instead of studying and suicides. These impacts greatly outweigh the supposed 'community benefits' from gambling revenue.

It cannot be denied that problem gambling is a problem of sufficient magnitude to make action an urgent priority for government. The most obvious target for reform is the poker machines themselves.

One does not need to go far to find a poker machine in Australia. There are 200,000 of them in this country, and half of them are in New South Wales. We have the 7th-highest number of these machines in the world, which is alarming given our relatively small population. And it is not just the number of machines that is a problem. The typical Australian poker machine is capable of churning through a staggering amount of money in a short period of time—up to $1,200 or $1,500 in a single hour. In fact, Australian pokies are infamous for this high rate of loss. In the United States they are referred to as 'casino-style' machines and rightly so.

After all, it is no coincidence that poker machines are addictive. Billions of dollars has been spent on poker machine design, with the express goal of making them ever more addictive. This is based on a sophisticated understanding of the psychology and even the neurology of those susceptible to addiction.

While there are poker machines there will be problem gamblers. But there are ways we can limit the damage that they do to their users, and by extension millions of families around Australia.

In its landmark 2010 report on gambling, the Productivity Commission took a serious
look at problem gambling and poker machines in particular. The Commission noted the high rate of loss of the typical machine in Australia, as well as a broad and inconsistent array of limits imposed on the machines in the various states. They called for a more 'coherent and effective' policy approach that targets high-loss machines.

One recommendation of the commission was to limit the amount of money a user can put into the machine at any one time. By only allowing $20 to be inserted at once, the user is forced to stop at intervals—perhaps half an hour, perhaps much less—to insert more money and thereby be more conscious of just how much was going into the machine. This is a common-sense suggestion that is supported by research. In some jurisdictions, this so-called 'load-up' limit is as high as $10,000. It is difficult to imagine how one could defend such an incredibly high limit.

Another recommendation was to limit the amount of money that a person can gamble with each push of the button on a poker machine. Current limits vary between $5 and $10 per spin, and a gambler can typically push the button more than 20 times a minute. It's easy to see how loss rates of $1,000 and more can be incurred on such a machine.

According to the commission's report, 88 per cent of recreational gamblers bet less than $1 per spin in any case. Problem and at-risk gamblers disproportionately favour the higher amounts. For this reason, limiting bets to $1 per spin would inconvenience few casual punters but could put the brakes on the losses incurred by those who have a problem controlling their gambling.

We are told that poker machines are a form of recreation. By limiting the typical losses from an hour's play to around $100 an hour, we would be bringing poker machines more in line with other forms of entertainment Australians enjoy on a night out. We would, indeed, be simply taking the manufacturers at their word.

This bill, the Poker Machine Harm Reduction ($1 Bets and Other Measures) Bill 2012, implements the Productivity Commission's recommendations on a national level. By introducing a national $1 bet limit and $20 load-up limit, it creates a national standard in poker machine configuration that is designed to limit the social harms of gambling without impacting recreational players. The bill also limits the jackpots on machines to $500. Modelling has shown that at higher jackpots, the volatility of the machines is higher and the amount of time a user will spend on the machine with a given amount of money is shorter. This parliament's Joint Select Committee on Gambling Reform examined this issue and recommended prize limits of this amount. We agree this is sensible policy.

There are 200,000 poker machines in Australia and it will take time to make these changes. This bill provides ample scope for the industry to make the transition. From the start of next year, all poker machines sold must be capable of complying with these new conditions. Most venues have until 2017 to make sure their stable of machines are compliant before the changeover to dollar bet limits becomes mandatory. Clubs with 10 or fewer machines, smaller local clubs who typically replace their machines on longer time frames, have an additional two years to comply with the new requirements. This provides ample time for industry to make the transition.

The bill makes one further provision regarding regulation. Subsequent research and experience, or changes to poker machine design may make it necessary to further alter the parameters of the machines to keep loss rates down. The bill allows these parameters...
to be set via regulation, including the 'spin rate' of the machines, or how many games can be played in a minute. This is similar to the situation in the states, where spin rates are often regulated and where gambling ministers may have the discretion to vary the many parameters that govern a poker machine's operation.

The bill also seeks to address the issue of the myriad technical standards that exist for poker machines in Australia at the present time. It will aid both industry and future reform if all machines in Australia were designed and tested to a consistent national standard. The bill instructs the minister to take steps to work with the states on development of such standards.

It has been argued that the cost of pokies reform outweights the benefits. For instance, in public comments industry figures have suggested that implementing a $1 bet limit could cost as much as $3 billion or more. These numbers are fanciful at best, and can only be based on the assumption that most machines in Australia would need to be replaced overnight. Because of the generous time lines provided for in the bill, by 2017 when the bet limits become mandatory the vast majority of machines in this country will have been replaced with compatible machines simply via the normal replacement lifecycle. The Tax Office allows the operators of machines to depreciate them over seven years. Because of this, and the ability of modern machines to have changes made to their software with a routine upgrade process, we estimate the cost to industry at a few tens or the low hundreds of millions of dollars over five years.

This is a small sum compared to the social costs. In the next five years, $25 billion or more will be lost by problem gamblers to poker machines. The costs of reform, measured against this damage done to Australian communities, is trivial. Of course, this reform will reduce the revenue poker machine operators receive from problem gamblers who account for 40 per cent of their income. We make no apology for this; in fact, this outcome is the entire point of the bill.

Limiting the loss rates of poker machines will not end problem gambling. More must be done to provide help to those who seek to escape the clutches of addiction before their lives and those of their loved ones are destroyed. But limiting the bets will limit the damage. Dollar bet limits is a simple, cheap and effective measure that will make a real difference in the lives of problem gamblers in Australia.

Debate adjourned.

MOTIONS

Constituents Request Program

Senator RONALDSON (Victoria) (13:19): I, and also on behalf of Senator Macdonald, move:

That the Senate—

(a) recognises that Buckingham Palace has issued two official portraits to mark the Diamond Jubilee of the ascension to the throne of Her Majesty Queen Elizabeth II, Queen of Australia;

(b) is concerned that these portraits are not available for members and senators of the Australian Parliament to distribute to organisations in their electorate under the Department of Finance and Deregulation’s Constituents’ Request Program; and

(c) calls on the Government to expand the Constituents’ Request Program to include access to these official portraits of Her Majesty and the Duke of Edinburgh in their Diamond Jubilee year, and to so enable members and senators of the Australian Parliament to share with organisations in their community images of Australia’s Head of State.

Senator JACINTA COLLINS (Victoria—Manager of Government
Business in the Senate and Parliamentary Secretary for School Education and Workplace Relations) (13:20): I seek leave to make a statement of less than one minute.

The PRESIDENT: Leave is granted for one minute.

Senator JACINTA COLLINS: The government will not oppose this motion. The concerns of the opposition on this matter were first raised by way of this notice of motion and a related media release. Had the opposition raised this matter with the responsible minister, the Special Minister of State, it could have been sorted out quite quickly.

It is most regrettable that the opposition has sought to politicise Her Majesty's Diamond Jubilee in this way. Diamond Jubilee portraits of Her Majesty the Queen and His Royal Highness the Duke of Edinburgh will be made available to members and senators through the Department of Finance and Deregulation. It is expected that these portraits will be available shortly.


The PRESIDENT: Leave is granted for one minute.

Senator RONALDSON: I am very grateful that the government has seen fit to address this clear wrong. This matter has been raised. There are a number of RSLs that have expressed concerns about this, and this motion today was about addressing that. It could have been addressed earlier; it was not. I am very pleased that the coalition, again, has forced the government's hand in relation to matters that are important to so many people in the Australian community.

Why the government again had to be dragged, kicking and screaming, to do the right thing is absolutely beyond us. I am pleased that it has been done today. Why they did not do it earlier, quite frankly, is beyond us.


The PRESIDENT: Leave is granted for one minute.

Senator BOB BROWN: Motion 729 calls for unspecified amounts of public money to be spent on distributing portraits of Her Majesty to unspecified members of the public through members and senators. It is my view that there is a very adequate electorate allowance to cover that matter. I think if the opposition wants to get his facts right before he starts making—

Senator Ronaldson: Mr President, on a point of order: Senator Brown is clearly unaware of the rules surrounding this. It is actually organisations, so perhaps he needs to get his facts right before he starts making—

The PRESIDENT: That is not a point of order; it is a debating point. I just remind senators that there has been a resolution of the Procedure Committee which seeks to have people desist from debate in these matters, so it would be helpful if senators took notice of that.

Senator BOB BROWN: Thank you for reminding us of that point of order while I am on my feet, Mr President. The reality is that this is uncosted. If there is extra money available, I suggest that it go to ensuring that Indigenous people in Australia who are being deprived of their first languages be given an education in their first languages and that we stop some first languages going to extinction in this country. I think that might have priority. However, if there are members opposite who cannot find a picture
of Her Majesty, I would be happy to provide them with one. *(Time expired)*

Question agreed to.

**Privileges Committee**

**Senator Joyce** (Queensland—Leader of The Nationals in the Senate) (13:23): I seek leave to make a short statement of no longer than one minute.

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

**Senator Joyce:** It is about the last division—I think it was notice of motion No. 723, part (b), moved by Senator Abetz. I was in a meeting with irrigators from the Murray-Darling. The first part of the motion would have been supported, but on the division on the second part of the motion we had only one minute to get to the chamber. In concluding conversations with people rather than cutting them off in mid-sentence, I did not have a chance to get in here to support, as I would have, the President, as noted in notice of motion No. 723 part (b). I just want it on the record that, if there is a change in voting patterns and there is knowledge that people are no longer in the chamber, if we could ring the bells for four minutes then that would give us a better chance to conclude what we are doing and move to the chamber.

**Senator Bob Brown interjecting**—

**Senator Joyce:** It is interesting to hear Senator Brown talking about when we are in the chamber and when we are not, given the fact that he is hardly ever here.

**Mining**

**Senator Waters** (Queensland) (13:25): I move:

That the Senate—

(a) notes a current report by The Australia Institute, which finds:

(i) the mining boom in Queensland is likely to destroy one non-mining job for every two mining jobs it creates, with the loss of at least 20,000 jobs should all 39 resource projects analysed proceed, and

(ii) the reality of the mining boom for the 99 per cent of Queenslanders who do not work in the mining industry is higher housing costs, higher mortgage interest rates and fewer jobs in tourism, manufacturing and agriculture,

(b) further notes the statements of the National Secretary of the CFMEU [Construction, Forestry, Mining and Energy Union] on 19 March 2012 to the effect that:

(i) the strength of the mining industry is driving up the Australian dollar to unprecedented levels and across the country Australia’s manufacturing sector is under too much strain, and thousands of jobs are being lost in the finance sector too, and

(ii) Australians outside the mining industry are doing it tough because of the impact of the mining industry on the economy, causing a lot of unhappiness; and

(c) calls on the Government to:

(i) assess the real impacts of the mining boom on Queensland communities and the state’s economy, and

(ii) reassess its decision to use proceeds of the Minerals Resource Rent Tax to fund infrastructure which will benefit the mining industry instead of benefiting Queenslanders through investment in initiatives such as national dental care, education funding, national disability insurance scheme, high speed rail and a sovereign wealth fund.

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

The Senate divided. [13:29]

(The President—Senator Hogg)

Ayes .................11
Noes ..................35
Majority .............24

**AYES**

Brown, RJ
Hanson-Young, SC
Madigan, JJ
Rhiannon, L

Di Natale, R
Ludlam, S
Milne, C
Siewert, R (teller)
Question negatived.

Privileges Committee

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (13:32): I move:

That the President of the Senate report to the Senate on the next day of sitting on whether the Committee of Privileges is endangered with politicisation by 'SLAPP' writ style references, such as that of Senator Kroger on 22 November 2011, which was publicised by the Leader of the Opposition in the Senate (Senator Abetz) before any adjudication was possible.

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

The Senate divided. [13:33]

(The President—Senator Hogg)

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

NOES

Back, CJ
Bernardi, C
Bilyk, CL
Birmingham, SJ
Bishop, TM
Cameron, DN
Cash, MC
Colbeck, R
Collins, JMA
Crossin, P
Edwards, S
Faulkner, J
Fawcett, DJ
Feeney, D
Fifield, MP
Gallacher, AM
Hogg, JJ
Joyce, B
Kroger, H
Lundy, KA
Marshall, GM
McEwen, A (teller)
McKenzie, B
Moore, CM
Parry, S
Payne, MA
Polley, H
Pratt, LC
Ronaldson, M
Sherry, NJ
Singh, LM
Sinodinos, A
Sterle, G
Thistlethwaite, M
Urquhart, AE

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

Privileges Committee

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (13:36): I move:

That the Chair of the Committee of Privileges report to the Senate on why the letter to the committee requesting the recusal of Senator Brandis, SC, dated 22 December 2011, was not circulated to committee members before February 2012.

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

The Senate divided. [13:37]

(The President—Senator Hogg)

Ayes......................10
Noes......................37
Majority......................27

CHAMBER
Senate of the Australian Parliament

Thursday, 22 March 2012

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

AYES

Di Natale, R
Ludlam, S
Milne, C
Siewert, R (teller)
Wright, PL

NOES

Abetz, E
Bernardi, C
Birmingham, SJ
Cameron, DN
Colbeck, R
Fawcett, DJ
Fifield, MP
Hogg, JJ
Kroger, H (teller)
Madigan, JJ
McEwen, A
Moore, CM
Parry, S
Polley, Y
Sherry, NJ
Sinodinos, A
Sterle, G
Urquhart, AE

NOES

Back, CJ
Bilyk, CL
Bishop, TM
Cash, MC
Collins, JMA
Edwards, S
Fawcett, DJ
Gallacher, AM
Joyce, B
Lundy, KA
McEwen, A
Moore, CM
Parry, S
Polley, H
Sherry, NJ
Singh, AM
Stephens, U
Thistlethwaite, M
Xenophon, N

Question negatived.

Acknowledgement of Country

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (13:40): I move:

That recognising the Indigenous people of Australia be the first matter for the Senate each day, as it is in the House of Representatives.

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

The Senate divided. [13:41]

(The President—Senator Hogg)

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

AYES

Brown, RJ
Di Natale, R

Question negatived

Nuclear Energy

Senator LUDLAM (Western Australia) (13:44): I move:

That the Senate—

(a) notes:

(i) that a crackdown by over 6,000 police on non-violent anti-nuclear power protestors, including arrests for sedition and the prohibition on people congregating, occurred at the construction site of a nuclear reactor near the fishing village of Koodankulam in south India on 19 March and 20 March 2012,

(ii) that 20,000 people gathered on 20 March 2012 with thousands on an indefinite hunger strike until the non-violent protestors are released,

(iii) a growing mass movement in India opposed to nuclear power includes protests in Jaitapur, Maharashtra and Gorakhpur, Haryana,
(iv) the sale of uranium to India while that country refuses to sign the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) would be illegal under the Treaty of Rarotonga, signed by the Australian Government in 1985,

(v) the 1998 United National Security Council resolution 1172 'encourages all States to prevent the export of equipment, materials or technology that could in any way assist programmes in India or Pakistan for nuclear weapons or for ballistic missiles capable of delivering such weapons, and welcomes national policies adopted and declared in this respect', and

(vi) the Nuclear Security Summit will be held on 26 March and 27 March 2012 in South Korea; and

(b) calls on the Government to utilise all diplomatic channels to:

(i) protest the Indian Government's unprecedented deployment of police around Koodankulam and the harassment of peaceful protestors as inconsistent with the democratic right to peaceful protest,

(ii) caution the Indian Government against loading uranium fuel rods into the reactor at Koodankulam without conducting any safety or evacuation drills, mandatory exercises under the Indian Atomic Energy Regulatory Board rules,

(iii) promote the independence of nuclear regulators from industry and government as best international practice, and

(iv) not sell uranium to countries that stand outside the NPT and its associated safeguards system.

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

The PRESIDENT: Leave is granted for one minute.

Senator LUDLAM: I have brought this matter to the Senate because I suspect that the chamber is unaware that in India more than 20,000 people are demonstrating at a small fishing village, Koodankulam, in Tamil Nadu, and that their democratic right to peaceful protest has been severely curtailed by some 6,000 police. There have been hundreds of arrests and thousands of people are conducting an ongoing hunger strike. We may soon have direct responsibility and linkage to this. This is a nuclear power project being built by the Russian nuclear industry against the strong wishes of the local community. It is exactly what would happen if somebody tried to build a nuclear power station near anybody in Australia. There is a huge movement against it.

If we sell uranium to India we will shoulder the same kind of responsibility that we have from the wreckage of the Fukushima plants in Japan. I want to acknowledge, before this is put to the vote, the strength of the Indian antinuclear movement and to let them know that we are with them no matter the outcome of this vote. Our thoughts are with them this afternoon.

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

The Senate divided. [13:46]

(The President—Senator Hogg)

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I move:

That the Senate—

(a) notes that:

(i) up to 90 per cent of marine life within the Great Australian Bight is found nowhere else on Earth,

(ii) the Great Australian Bight is an important feeding and migration area to approximately 30 species of whales and dolphins, including sperm whales, beaked whales, southern right whales and the critically endangered blue whale, and

(iii) less than 1 per cent of this area is protected from oil and gas operations;

(b) recognises that:

(i) over the past 3 years, the Government has progressively opened up more areas in the Great Australian Bight to oil and gas exploration,

(ii) BP holds four oil and gas exploration leases in the Great Australian Bight, the boundaries of which overlap with the Great Australian Bight Marine Park,

(iii) BP is currently conducting seismic testing in marine park areas to explore for oil and gas, and such testing is moving into known whale feeding regions,

(iv) grave concerns have been expressed by a number of environmental groups about the risks associated with seismic testing occurring too close to whales, including organ and lung damage, hearing damage and haemorrhaging, which can result in death, and

(v) the Great Australia Bight is an iconic and globally significant area for marine life and its unique ecology and environment must be protected and preserved for the benefit of future generations; and

(c) calls on the Government to:

(i) prioritise the protection and preservation of marine life in the Great Australian Bight by creating a network of large marine sanctuaries,

(ii) impose a moratorium on the issuing of oil and gas leases in the Great Australian Bight until after final decisions have been made regarding the establishment of marine sanctuaries in the Great Australian Bight through the Commonwealth marine bioregional planning process, and

(iii) prohibit night-time seismic testing and require the mandatory use of passive acoustic technology when conducting such testing in the Great Australian Bight.

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

The Senate divided. [13:50]

Ayes ...................... 9
Noes ...................... 30
Majority ............... 21

AYES

Brown, RJ
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

NOES

Bilyk, CL
Cameron, DN
Collins, JMA
Edwards, S
Fifffield, MP
Hogg, JJ
Kroger, H
Madigan, JJ
McEwen, A (teller)
Moore, CM

(v) the Great Australia Bight is an iconic and globally significant area for marine life and its unique ecology and environment must be protected and preserved for the benefit of future generations; and

(c) calls on the Government to:

(i) prioritise the protection and preservation of marine life in the Great Australian Bight by creating a network of large marine sanctuaries,

(ii) impose a moratorium on the issuing of oil and gas leases in the Great Australian Bight until after final decisions have been made regarding the establishment of marine sanctuaries in the Great Australian Bight through the Commonwealth marine bioregional planning process, and

(iii) prohibit night-time seismic testing and require the mandatory use of passive acoustic technology when conducting such testing in the Great Australian Bight.
Senator WATERS (Queensland) (13:52):
I move:
That the Senate—
(a) notes that in the past 6 months since the Greens motion for a moratorium on coal seam gas mining was first defeated in the Senate, the urgent concerns of farmers, landholders and regional communities regarding the risks posed by the runaway coal seam gas industry have not been addressed;
(b) notes that the recent Senate inquiry into the impacts of coal seam gas mining in the Murray Darling Basin heard compelling evidence that regional communities are suffering many negative impacts from the operations of coal seam gas mining companies; and
(c) calls on the Government to implement an immediate moratorium on any new coal seam gas approvals until the long-term impacts of the industry on groundwater, agriculture, rural communities, threatened species, the climate and the Great Barrier Reef are known.

The DEPUTY PRESIDENT: The question is that notice of motion No. 733 moved by Senator Waters be agreed to.
The Senate divided. [13:53]
(The Deputy President—Senator Parry)
Ayes......................11
Noes......................23
Majority................12
AYES

AYES

Xenophon, N

NOES

Cameron, DN
Crossin, P
Feeney, D
Gallacher, AM
Lundy, KA
McEwen, A (teller)
Moore, CM
Parry, S
Polley, H
Singh, LM
Stephens, U
Thistlethwaite, M

AYE

Brown, RJ
Di Natale, R
Hanson-Young, SC
Ludlam, S
Madigan, JJ
Milne, C
Rhiannon, L
Stewart, R (teller)
Waters, LJ
Wright, PL

Question negatived.

Great Barrier Reef

Senator WATERS (Queensland) (13:55):
I move:
That the Senate—
(a) notes that:
(i) a recent Galaxy poll found 88 per cent of Queenslanders oppose offshore dumping of dredge spoil in the Great Barrier Reef World Heritage Area, and
(ii) the Government has approved offshore dumping of over 22 million cubic metres of dredge spoil in the Great Barrier Reef World Heritage Area in the past 5 years; and
(b) calls on the Government to stop approving offshore dumping in the Great Barrier Reef World Heritage Area.

The DEPUTY PRESIDENT: The question is that notice of motion No. 734 moved by Senator Waters be agreed to.
The Senate divided. [13:56]
(The Deputy President—Senator Parry)
Ayes......................9
Noes......................29
Majority................20
AYES

Brown, RJ
Di Natale, R
AYES
Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

NOES
Back, CJ
Cameron, DN
Carr, KJ
Crossin, P
Feeney, D
Gallacher, AM
Joyce, B
Lundy, KA
Marshall, GM
Moore, CM
Parry, S
Polley, H
Sherry, NJ
Sinodinos, A
Sterle, G
Xenophon, N

Hanson-Young, SC
Milne, C
Siewert, R (teller)
Wright, PL

Back, CJ
Cameron, DN
Carr, KJ
Crossin, P
Feeney, D
Gallacher, AM
Joyce, B
Lundy, KA
Marshall, GM
Moore, CM
Parry, S
Polley, H
Sherry, NJ
Sinodinos, A
Sterle, G
Xenophon, N

Question negatived.

World Water Day

Senator RHIANNON (New South Wales) (13:58): I seek leave to amend general business notice of motion No. 735 standing in my name relating to World Water Day 2012. I indicate that I will be moving it also on behalf of Senators Bob Carr and Boyce.

Leave granted.

Senator RHIANNON: I, and also on behalf of Senators Bob Carr and Boyce, move the motion as amended:

That the Senate—

(a) notes that:

(i) 22 March 2012 is World Water Day – a day to acknowledge that the world has now met the Millennium Development Goal target for drinking water, and 2 billion people have gained access to drinking water since 1990,

(ii) around 800 million people still live without access to drinking water and that around 2.5 billion people, which is 37 per cent of the world’s population, still live without access to basic sanitation,

(iii) the Millennium Development Global Goal target for sanitation will not be met,

(iv) around 2.5 million children die each year as a result of unclean water and poor sanitation, and that diarrhoea is the leading cause of death in Africa and the second leading cause of child death globally,

(v) access to clean water and sanitation are the foundation for progress on other development outcomes, especially child health and education, and

(vi) the high level meeting of the Sanitation and Water for All partnership will take place on 20 April 2012 in Washington; and

(b) calls on the Government to:

(i) continue and increase aid funding for water and sanitation, with a special emphasis on investing in sanitation, in the 2012-13 budget and beyond, and

(ii) support the work of the Sanitation and Water for All partnership and other initiatives to bring an end to this global crisis.

Question agreed to.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:00): My question is directed to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Is the minister aware that a report prepared by Deloitte Access Economics, tabled in the Queensland parliament, and a survey conducted by the Chamber of Commerce and Industry Queensland reveals that Labor’s carbon tax—the world's biggest carbon tax—means that in my home state of Queensland state growth will fall by four per cent, 41,000 fewer jobs will be created, investment will be five per cent lower than it otherwise would have been, tourism costs will be 30 per cent higher, regional airline costs will be 157 per
cent higher and the average house and land package will increase in cost by more than $5,000? Why is the Labor Party burdening Queenslanders with this toxic carbon tax that will cost Queensland jobs, kill Queensland growth, reduce investment in Queensland and drive up cost-of-living pressures for Queenslanders?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:01): There were quite a number of propositions in that question with which the evidence does not agree and the government does not agree with. I have said many times in this place that it is clear from the Treasury modelling that we can grow the Australian economy, we can grow jobs and we can grow incomes with a carbon price. Similarly, we can grow jobs in Queensland and increase incomes and jobs with a carbon price.

I take issue and the government takes issue with the statements made in the question by Senator Brandis. It is simply a regurgitation of the fear campaign that we have seen for a very long time now from those opposite, who seem to forget that they did go to the 2007 election with a policy for an emissions trading scheme—something Mr Turnbull argued very strongly for, something that was not contingent upon the world moving as fast. That was John Howard's policy and that was the Liberal Party's policy.

I would make two points on carbon pricing. First, I refer the senator to a report released on 19 March which goes through carbon prices internationally and shows that many countries have or are implementing higher carbon prices than those in the Clean Energy Act. There are expectations of a carbon price of $24 to $30 a tonne in Britain, $130 a tonne in Sweden, $30 to $60 a tonne in Switzerland, $53 a tonne in Norway and $24 to $37 a tonne in Ireland. I would finally make the point that the Treasury modelling projects the economy of Queensland to grow by 42 per cent to 2020 alone and by 212 per cent by 2050, with increased employment by 2020 with a carbon price.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:03): Mr President, I ask a supplementary question. I thank the minister for sharing her Scandinavian vision of Australia's economy with us. I suspect it will not be popular north of the Tweed. I remind the minister that, according to the Energy Users Association, Queenslanders are already paying among the highest prices for electricity in the world and are paying the highest prices of any citizens in Australia. Given Queensland families and businesses already know that their power bills are going up, won't a carbon tax, which will add another 10 per cent on top of the existing electricity prices, be the final straw for Queensland families and Queensland businesses?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:04): It appears from the first part of the question that Senator Brandis has decided that Britain is part of Scandinavia. I do not know if he, as a well-known monarchist, has explained that view to his British friends. I would remind him that in fact the Conservative Party in Britain support action on climate change and support a price on carbon—they are sensible conservatives, like John Howard was on this issue at the 2007 election.

I would also make this point, and I have made it previously: if those opposite are so worried about high carbon prices and the effect on Australian families, why are they supporting a policy with a higher effective carbon price than the government's, with
higher costs for the Australian economy and with a greater tax burden on Australian families—$1,300 per household per year for your policy? If you really cared about the impact on families, you would not be supporting the policy you have. (Time expired)

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (14:05): Mr President, I ask a further supplementary question. Is the minister aware that Labor’s carbon tax has been one of the central issues in the current Queensland election campaign? In the event there were to be a change of government in Queensland on Saturday, would the minister accept that Queenslanders are sending a clear message to Canberra that they do not want Labor’s toxic carbon tax? (Time expired)

The PRESIDENT: The minister can answer that in so much as it relates to the portfolio.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:05): Nice try, Senator Brandis. It is very obvious to everybody in this chamber that Senator Brandis is desperate to try to outdo Senator Joyce in doing his bit in the Senate chamber for the Queensland election campaign, but ultimately that is an issue that Senator Brandis and Senator Joyce can sort out amongst themselves.

Opposition senators interjecting—

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

Senator WONG: I would again say that the highest effective carbon price on offer is from those opposite—$62 per tonne. That is the effective carbon price the opposition want to impose. What else do they want to do? They want to make sure that the government does not deliver tax breaks to business, including Queensland small business. Those are the facts, Mr President. No amount of fear campaign counters those facts. (Time expired)

Economy

Senator URQUHART (Tasmania) (14:07): My question is to the Minister representing the Prime Minister and Leader of the Government in the Senate, Senator Evans. Can the minister advise the Senate how the Gillard government’s management of the economy is delivering growth and supporting jobs?

Honourable senators interjecting—

The PRESIDENT: Order! I am waiting to call the Leader of the Government in the Senate.

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:07): I thank Senator Urquhart for the question and her constant advocacy for Tasmania and employment opportunities in Tasmania. The Australian economy remains strong and continues to grow. Despite some of the toughest global conditions in decades, we have continued to grow and, more importantly, continued to provide jobs for working Australians. Since we have come to office we have seen more than 700,000 jobs created. It is a fact that more Australians are in work today than ever before, and our unemployment rate is among the lowest in the world.

While things are going well, there are obviously structural adjustment issues in the economy, and we accept that there is always more to do as a government. Government always has to focus on what else needs to be done. That is why we are so focused on delivering a budget surplus in 2012-13. We
know that that enormously fast fiscal consolidation is in the best interests of Australians and in the best interests of those paying a mortgage and that it will set us up economically for the years ahead.

We are also making investments: record investments in infrastructure, record investments in skills—all the things that spread the benefits that flow from the mining boom. But also, by distributing those taxation benefits into things like superannuation and tax reform, they benefit working Australians and benefit companies. The mining tax which has passed this parliament will allow this government to ensure that all Australians benefit from the use of Australia's resources—that all Australians will get a share in the wealth being created. Mining companies will continue to employ and grow. But other Australians will get improved superannuation benefits, and companies, some of which are doing it tough in the slower areas of the economy, will get tax cuts, provided that we can convince the parliament of these important tax reforms. (Time expired)

Senator URQUHART (Tasmania) (14:09): Mr President, I ask a supplementary question. Can the minister advise the Senate how the government's plans for company tax and small business tax cuts will help underpin further job growth?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:10): The important aspect of tax cuts for businesses is that they will allow them to continue to employ Australians and to grow their businesses and employ more Australians. By helping companies, we allow them to employ. We allow them to provide benefits to employees. So it is absolutely essential that we do what we can to support businesses in Australia, particularly those who are not necessarily in the fast lane, who are not associated with the mining boom. Some of those companies are doing it tougher, but they employ thousands and thousands of Australians. The company tax cuts we bring before this parliament will allow more jobs for Australians, so we urge the Liberal Party to join us in supporting company tax cuts rather than the approach they have now, which is to seek to increase company tax rather than support the government's plans to support small business in this country. (Time expired)

Senator URQUHART (Tasmania) (14:11): Mr President, I ask a further supplementary question. Is the minister aware of any alternative policies which put at risk future job creation in Australia?

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (14:11): The Liberal and National parties' opposition to small-business tax cuts clearly puts in jeopardy their capacity to make a profit and their capacity to employ by making it tougher for business in Australia. By refusing to support them with tax cuts, they are making it tougher for those businesses and making it harder for them to employ Australians.

We in this government have sought to ensure that the mining boom benefits spread throughout the economy, that companies which are doing it tougher, which are having trouble managing to pay and hold onto labour, will have the capacity to help meet their costs by having tax reform and tax cuts. But the Liberal Party have got themselves in the position now where they oppose tax cuts for small business. They want to hand windfall revenue back to mining companies.
They want to increase taxes on larger companies and they want to remove pensions and family payments from ordinary Australians. They have got themselves into a complete mess and they ought to rethink their position. *(Time expired)*

**Carbon Pricing**

**Senator IAN MACDONALD** (Queensland) (14:12): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency. The minister will be aware that the Townsville City Council in publicly published information have estimated that the financial impact of Labor's carbon tax will be, on average, an additional $68 per rateable property. Minister, given that this will result in either a loss of essential services or increased rates, what is the government's message to the people of Townsville and indeed other parts of Queensland who will be paying even more for their cost of living under Labor's toxic carbon tax?

**Senator WONG** (South Australia—Minister for Finance and Deregulation) (14:13): What I would say is this: the government are providing very significant assistance through the tax system to Australian families because we do recognise the potential price impacts from a carbon price. I would also say that the fear campaign by those opposite regularly overstates that and regularly ignores the significant assistance that is to be provided.

I make the point that we have made clear that we will be tripling the tax-free threshold, we will be increasing family tax benefits and we will be increasing pensions such as the age pension, none of which those opposite are matching. So let us remember that, whereas on our side of politics we do support a price on carbon, we also support proper assistance to Australian households through increasing the tax-free threshold—that is a tax break for all Australians earning under $80,000 a year—increases to the pension, increases to the disability support pension and increases to family tax benefit to deal with the price impacts of a carbon price.

Those opposite simply want to impose greater amounts of taxation on Australian households: $1,300 per year per household. They will do so in order to give that money to polluting companies in the hope that something might happen. Not only is it an example of an unfair policy; it is an example of a policy that will not work, that is economically inefficient.

*Honourable senators interjecting—*

**Senator WONG:** I will take the senator's interjection. It is an incompetent policy, because it is a policy that imposes costs on families, costs on households, for little or no environmental gain at very high cost. We have designed the carbon price very much recognising the importance of supporting Australian households. That is why you see the tax package associated with the Clean Energy Package. *(Time expired)*

**Senator IAN MACDONALD** (Queensland) (14:15): I take it that the minister's answer to ratepayers in Townsville, who will be paying more following the carbon tax, is 'tough'.

**The PRESIDENT:** Just the question.

**Senator IAN MACDONALD:** Mr President, I ask a supplementary question. Minister, is it true that there is no direct compensation to local authorities for increases in costs flowing from the carbon tax? Will the government take over the many essential services that the Townsville City Council and other councils are providing in Queensland, which they will have to cut if they do not increase their rates?

**Senator WONG** (South Australia—Minister for Finance and Deregulation)
(14:15): I think 'tough', if I may say, Mr President, is what the good senator is saying to small business in Queensland as he stands with the Australian Greens—

Honourable senators interjecting—

Senator Wong: I apologise—against the government trying to provide small business with a tax cut. That is what the senator is saying. He is also saying 'tough' to the low-income workers who would benefit from the low-income super contribution, which he also opposed. It was 'tough' to small business where he opposed the instant asset write-off and other tax breaks. I am not surprised he does not want me to talk about this.

Senator Ian Macdonald: Mr President, my point of order is obviously on relevance. My question was: is it true that there is no direct compensation for local authorities? I would ask the minister to confirm or deny that.

Senator Jacinta Collins: Mr President, on the point of order, Senator Macdonald seems to have forgotten the statement that he made at the commencement of it.

The President: There is no point of order. The minister has 24 seconds remaining.

Senator Wong: I can also advise the senator, not that he will be interested, that local councils can access funding under the Low Carbon Communities program to undertake energy efficiency upgrades to council and community buildings, facilities and outdoor lighting. I can also advise him that local council landfill gas generation will continue to be supported under the Renewable Energy Target.

Senator Ian Macdonald (Queensland) (14:17): Mr President, I ask a further supplementary question. In Townsville there are zinc, copper and nickel metal refineries. Could the minister advise: will any compensation be made to those refineries for the increases in cost occasioned by the carbon tax of freighting commodities from the North West Queensland Mineral Province and Mount Isa to Townsville for refining and export through the Port of Townsville?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:18): I wonder where he might have got some of those questions from. I wonder whether he has had a discussion, if I may say, Mr President, with Mr Palmer lately or whether he has made this up all by himself. In terms of the support for industries which are highly emissions intensive, the senator would be aware that we are providing a very substantial amount of assistance in the form of free permits through the Jobs and Competitiveness Program for the most highly emissions intensive industries. They will get about 94½ per cent of their emissions covered by free permits under these programs at the outset. That substantially reduces their carbon liability to about $1.30 a tonne.

Senator Ian Macdonald: Mr President, on direct relevance, I asked about the increase in costs from freighting commodities, not emissions, from the north-west minerals province. I would ask the minister to directly address my question.

The President: I draw the minister's attention to the question. The minister has 14 seconds remaining.

Senator Wong: I would say to the senator, through you Mr President: the largest liability for emissions intensive industries is obviously from those activities which are emissions intensive, and the government has focused a very substantial amount of assistance on those processes. (Time expired)
Queensland: Bimblebox Nature Refuge

Senator WATERS (Queensland) (14:19): My question is to the Minister representing the Minister for Sustainability, Environment, Water, Population and Communities, Senator Conroy. Bimblebox Nature Refuge is an 8,000-hectare privately owned wilderness—the last remaining large wilderness in the Galilee Basin. It has exceptional environmental values and is home to many threatened species. In August 2000 the federal government used over $300,000 of taxpayers’ money to partly fund its purchase and inclusion in the National Reserve System. That inclusion gives it no protection from mining. Under Labor state government laws it can also be mined. Clive Palmer wants to mine it. His aptly named 'China First' mine would turn half of Bimblebox into an open-cut coalmine and the other half into an underground coalmine to export 40 million tonnes of coal to China. Does the federal government still agree that Bimblebox is an area of high conservation value?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:21): Unfortunately, I do not have a brief on the particular project you are talking about, Senator Waters. I appreciate the Queensland election is on and we should all know every project in Queensland, but I am not in a position where I can add a lot more at this stage.

Senator WATERS (Queensland) (14:22): Mr President, I ask that the minister take that first question on notice and I ask a supplementary question. The LNP have responded to a survey from Lock the Gate, saying that in government they will not allow mining in areas of high conservation value. Nature refuges are, by legal definition, areas of high conservation value, and yet their biggest donor wants to destroy this nature refuge. Does the government believe that the LNP, under their own commitment, should stop Clive Palmer mining this nature refuge, and will this in fact be the first test of how much influence Clive Palmer has over the LNP?

The PRESIDENT: The question is clearly not in order. It is asking the minister for an expression of opinion about another party's policy but not even in the federal jurisdiction. In fairness to you, Senator Waters, I have given people in such circumstances before the opportunity to
rephrase their question to make it in order, so I am giving you that opportunity now to put the question in order.

Senator Bob Brown: Mr President, I rise on a point of order. The first part of that question was totally in order. It did ask about Commonwealth government action. The second part you may rule on. The first part is in order and I ask you to rule that way.

The PRESIDENT: I have given Senator Waters the opportunity to rephrase the question to make the question in order.

Senator Waters: Thank you, Mr President. I shall rephrase it. If the LNP government breaks its recent promise and bows to its donor Clive Palmer's interests, allowing him to mine Bimblebox, what will the federal—

Honourable senators interjecting

The PRESIDENT: Order! The senator is entitled to be heard in silence. I need to hear the question.

Senator Waters: If the LNP government breaks its recent promise—the future LNP government, the likely LNP government—

Senator Ian Macdonald: Mr President, I rise on a point of order. As you well appreciate, you do not need to go further than she has already done: 'If someone does something'—it is purely hypothetical and clearly against the standing orders.

Senator Bob Brown: Mr President, I rise on a point of order. Here are the Queensland Nationals and Liberals running for cover. The question is quite clearly: will a future—

Opposition senators interjecting

Senator Bob Brown: Senator Waters has asked the question—

Opposition senators interjecting

The PRESIDENT: Wait a minute, Senator Brown. On my left! Senator Brown, I do want to hear what you have got to say, but I cannot so long as there is noise on my left.

Senator Bob Brown: But they do not, Mr President. The fact is that Senator Waters quite clearly asked about federal government action if that reserve is threatened. It is a valid question.

The PRESIDENT: There is no point of order. I have to hear the question in its totality before making the judgment. I am inviting Senator Waters now to continue with her question.

Senator Waters: I will get to the nub of it. What will the federal government do to protect Bimblebox from Clive Palmer and an LNP government?

Senator Joyce: Mr President, I rise on a point of order.

Honourable senators interjecting

The PRESIDENT: Order! Senator Joyce, like everyone in this chamber, you are entitled to be heard in silence as well. On my right!

Senator Joyce: Once more it is a hypothetical. It is on a premise that will probably be the case on Monday, but at this point in time, and for the next couple of days, there is no LNP government in Queensland.

Senator Bob Brown: Mr President, I rise on a point of order.

The PRESIDENT: Senator Bob Brown, I am going to allow the question to stand.

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:27): I thank the senator for her question. I do have some information on the project. On 13 February 2009, Waratah Coal referred a proposal to develop two
mines in the Galilee Basin. The proposal is being assessed jointly with the Queensland government. Senator Waters, I certainly share your concerns about the prospect of Clive Palmer determining environmental policy in Queensland, because, as Senator Brandis, Senator Joyce or Senator Cash wing their way over Queensland in Clive Palmer's jet, I am sure they fail to notice those environmental considerations that would be at stake. I am not sure what they serve instead of the champagne and hors d'oeuvres on the Palmer jet, but some of those on the opposite side certainly know, and the prospect of Clive Palmer running Queensland—

The PRESIDENT: Senator Conroy, just address the question.

Senator CONROY: It is of concern to me also.

Senator WATERS (Queensland) (14:28): Mr President, I ask a further supplementary question. How will the government explain to the Australian public why you used their taxes to part purchase this precious area only to stand by while the state Labor government failed to boost state laws to protect nature refuges like Bimblebox from mining? Will the federal government now guarantee the protection of Bimblebox come what may after Saturday?

Senator CONROY (Victoria—Minister for Broadband, Communications and the Digital Economy, Deputy Leader of the Government in the Senate and Minister Assisting the Prime Minister on Digital Productivity) (14:29): I am not sure if the CIA are involved directly in this particular issue! Others have suggested they are, but I would not want to go there! Certainly, though, that would be of concern!

But this proposal, as I said, is being assessed jointly. This process will ensure that impacts on nationally protected species, including the black-throated finch, are appropriately assessed and protected against. One of the proposed mining areas fully encompasses the Bimblebox Nature Refuge, part of the National Reserve System, and the property was purchased by a group of Central Queensland residents with the support of a $314,600 grant from the National Heritage Trust from Australian government funding in August 2000. It would be of significant concern to this government if Clive Palmer and his cohorts in Queensland were in charge of this process. We will be very carefully making sure that all rules and laws are complied with. (Time expired)

Carbon Pricing

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:30): My question is to the Minister representing the Minister for Climate Change and Energy Efficiency, Senator Wong. Given the minister's detailed knowledge of Labor's carbon tax and her interest in the facts, as quoted to Senator Brandis, can she advise to what extent cyclone intensity and frequency will decrease in Queensland's north by reason of the federal Labor government's carbon tax? How much will droughts decrease in Queensland's west by reason of Labor's carbon tax? How much will coral bleaching change in Queensland's Great Barrier Reef by reason of the carbon tax? How much will flooding change in Queensland's south-east by reason of the carbon tax? How much will sea levels fall on the Gold Coast, especially Snapper Rocks, because of the carbon tax? How much will dengue fever be reduced in the swamps in the Cape by reason of the carbon tax? How much will temperature change in Queensland—no, the world!—by reason of the carbon tax? For brevity and honesty, is the answer to all of this that the carbon tax will have no effect on them whatsoever?
Senator WONG (South Australia—Minister for Finance and Deregulation) (14:31): I think we all know where Senator Joyce stands on the climate science. He is right out there. He has never believed that climate change is real. He has never believed that there is any risk.

The PRESIDENT: Order! Senator Wong, you need to come to the question.

Senator WONG: I am asked about the climate science. He has always believed, Mr President, that there is some sort of left-wing conspiracy.

The PRESIDENT: Senator Wong, come to the question.

Senator WONG: If he wants to know how much of an effect there is from policy on the climate, I say to him that if he does not want any domestic action on climate change, why is it that he supports a policy to deal with climate change? That is what Mr Hunt says yours does. If you do not think there is any need to take any action, why are you supporting policy which will be more expensive, which is supposed to achieve the same environmental outcome.

Senator Brandis: Mr President, I have a point of order on direct relevance. The question was very specific. It was directed to a number of case studies of the alleged effect of the carbon tax on the Queensland environment. It was not about the Labor Party critique of the coalition's policy and you should bring the minister to the question.

The PRESIDENT: The minister has one minute and six seconds remaining. I have drawn the minister's attention already to the question. The minister needs to address the question.

Senator WONG: Thank you Mr President. I am responding to the proposition in the question.

Senator Mason: You were asked a specific question.

Senator WONG: Do you want to hear something or do you just want to yell? Would you like to hear something? You can just keep berating everybody.

The PRESIDENT: Order! Senator Wong, ignore the interjections. They are disorderly.

Senator WONG: The senator keeps wanting to have the argument across the chamber.

The PRESIDENT: Forget about the interjections. Address your comments to the chair, Senator Wong. Interjections on my left are disorderly. When there is silence we will proceed.

Senator WONG: The proposition that underlies the senator's question is that we should not take any action in Australia because we cannot single-handedly fix climate change. That is true. But the same proposition would apply to the coalition's policy, which costs more. The reality is, we know that the State of the Climate report has found that the concentration of greenhouse gases in the atmosphere is higher than at any other time in human history. There is a lot of science on this, Senator Joyce, and I accept it. (Time expired)

Senator JOYCE (Queensland—Leader of The Nationals in the Senate) (14:34): Mr President, I ask a supplementary question. Maybe we can have more luck on this one. Can the minister advise by how much electricity prices will go up in Queensland's south-east by reason of the carbon tax, or how much steel prices will go up in Gladstone by reason of the carbon tax, or how much fertiliser prices will go up in Bundaberg by reason of the carbon tax, or how much transport prices will go up in Mount Isa by reason of the carbon tax, or by how much food prices will go up in the...
Whitsundays by reason of the carbon tax? Does she have any details on any of those?

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:35): The government has released detailed modelling and detailed costings which show that the average impact on the cost of living will be about 0.7 per cent of the CPI—that is, between three and four times smaller than the GST impact was on the CPI. This equates to about $9.90 a week on average and, on average, households will receive $10.10 per week in assistance. The government is putting forward a very comprehensive tax package that increases the tax-free threshold, as well as increases to the age pension and the family tax benefit in order to recognise the cost-of-living impact of 0.7 per cent—as I say, far smaller than the cost-of-living impact from the GST. I again remind the senator, if he cares about cost-of-living impact, why is he supporting a policy which will cost Australian households more?

Senator Joyce (Queensland—Leader of The Nationals in the Senate) (14:36): Mr President, I ask a further supplementary question. Can the minister explain why, on a question of a tax imposed by her government on Queensland in 71 days' time, she can give no more than a collage of motherhood statements, instead of giving a qualitative answer with facts—that she says in her statement to Senator Brandis are so important—to the questions that are important? On not one issue was she able to table an exact answer or give nothing more than a general motherhood statement.

The President: Order! Senator Joyce, I put to you that that question needs to be rephrased. I will give you the opportunity to rephrase it to make it comply.

Senator Joyce: Mr President, I will rephrase my further supplementary question. In place of the motherhood statements you have just given, Minister, can you have another attempt to actually give an exact answer on how much electricity prices will go up, considering councils are now talking about a 10 per cent increase in electricity prices and your figures are vastly lower than that, considering councils are now talking about increases in the prices of fugitive emissions, considering prices are now flying through in so many areas, especially transport costs, considering people such as—(Time expired)

Senator Wong (South Australia—Minister for Finance and Deregulation) (14:37): The 10 per cent electricity carbon price impact is in fact what the government modelled and is factored into the 0.7 cost-of-living increase. I thank you for the own goal, Senator, because you have confirmed to us that our modelling is correct. At least one time in this chamber we get a concession, albeit by mistake, from Senator Joyce that the government's modelling is correct. The 10 per cent increase is what we modelled and that is what is factored into the increased payments for households—less tax; a tax break for everyone earning under $80,000, opposed by you; increases to the pension, opposed by you; increases to the family tax benefit, opposed by you—just as Senator Joyce and others oppose tax breaks for small business and for the broader economy. So do not come in here, Senator, and talk to us about cost-of-living pressures given your record and your voting position.

Automotive Industry

Senator McEwen (South Australia—Government Whip in the Senate) (14:38): My question is to the Minister Assisting the Minister for Industry and Innovation, Senator Lundy. Can the minister update the Senate on today's announcement of a co-investment in Australia's automotive industry?
Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:39): I thank Senator McEwen for her question and her ongoing support for the Australian automotive sector. The automotive manufacturing industry is an integral part of the Australian economy. The industry supports over 2,800 small businesses—

Opposition senators interjecting—

The PRESIDENT: Order! I remind senators that interjections are disorderly. The minister is entitled to be heard in silence. When senators on my left are ready, we will proceed.

Senator LUNDY: As I was saying, the automotive industry supports over 2,800 small businesses, employs 55,500 people across every state and the ACT and supports around 200,000 additional jobs nationally. It is a cornerstone of the wider manufacturing sector which employs around one million Australians. One of the best ways to ensure a strong economy is to invest in our workers' skills. Today the Gillard Labor government has made a firm commitment to supporting car manufacturing in Australia. In fact the Gillard, Weatherill and Baillieu governments have announced together a $275 million co-investment in the future of GM's car making operations in Australia. The federal government's strategic investment will be a contribution of $215 million. In return for this investment—

Opposition senators interjecting—

Senator LUNDY: I suggest senators opposite listen carefully—Holden has agreed to inject over $1 billion into car manufacturing in Australia and make two next-generation vehicles here that will be cheaper to run and better for the environment. Holden has estimated that the new investment package will return around $4 billion to the Australian economy and this partnership will see GM Holden continue making cars in Australia until at least 2022. The agreement will support the jobs of workers directly employed in the automotive sector and support the thousands of secondary jobs in key automotive component manufacturers who supply parts to GM Holden many of whom live in regional Australia.

Senator McEWEN (South Australia—Government Whip in the Senate) (14:42): Mr President, I ask a supplementary question. Given the importance of the automotive manufacturing sector, as the minister has just advised, can she outline the new initiative also announced today that will help boost Australia's automotive supply business.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:42): The Gillard and Baillieu governments will be providing an extra $35 million for the Automotive New Markets Initiative. Again I ask those senators opposite to take note of the partnership between the Victoria government and the federal government in this regard. The new program will help firms in the automotive supply chain move into export markets and supply their products to other industries. As a result of this program Australian automotive component manufacturers will have greater capacity to expand their operations and win new business. The initiative, with a federal contribution of $24.5 million, will run over four years and have three key elements: a $30 million merits based grants program that will provide direct financial assistance for firms to expand their customer base and product range; support services to help firms develop new business capabilities and improve productivity and existing skills; and an automotive envoy to strengthen links with
the global automotive market and automotive supplier advocate. (Time expired)

Senator McEWEN (South Australia—Government Whip in the Senate) (14:43): Mr President, I ask a further supplementary question. Can the minister outline any alternative plans for a strong economy for support of the automotive industry and any policies that drive competitiveness and innovation?

Honourable senators interjecting—

The PRESIDENT: Order! When there is silence we will proceed. It is as simple as that.

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:44): The support of senators for auto manufacturing and car manufacturing on this side is of course well known. On the opposite side we have opposition senators who do not have a policy, so in responding to the senator's question it does not take me any time at all to reflect on alternative policies, because the opposition does not have any. Their auto industry policy is pretty simple: to cut $1.5 billion out of that industry, kill tens of thousands of jobs and lay waste to the future of a successful and ongoing manufacturing sector here in Australia. I do suggest that they have a chat with their counterparts down south and stand in shame at their lack of support for what is one of our job-generating industries with a strong future particularly with this new program that has been announced today to support the sector. They have an appalling record of supporting small business and car manufacturing in this country and they stand condemned for it.

Economy

Senator MASON (Queensland) (14:45): My question is to the Minister for Finance and Deregulation, Senator Wong. Given that under a Labor state government Queensland's public debt is projected to peak at $85 billion by 2014—over $18,000 per Queenslander—and under a federal Labor government Australia's public debt is $132 billion—over $6,000 per Australian—will the minister confirm that every man, woman and child in Queensland could have bought a brand-new Holden Cruze, Mazda3, or Toyota Corolla instead of having to pay off their share of Labor's debt?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:46): What I can confirm is that Australia has one of the lowest net debts in the developed world, peaking at just 8.9 per cent of GDP in 2011-12, less than one-tenth of the average net debt of the major advanced economies, which is around 93 per cent of GDP in 2016. We are at 8.9 per cent and the major advanced economies a number of years down the track will have a net debt at 93 per cent of GDP—8.9 per cent of GDP, Australia at our peak; 93 per cent of GDP for the major advanced economies. These are the facts that fly in the face of the appalling scare campaign and the trashing of the Australian economy that those opposite want to engage in, the talking down of the economy that no-one will thank them for. The reality is that we have one of the lowest net debt positions of any of the major advanced economies in the world. That is the reality.

The other thing that I can confirm is that those opposite have $70 billion of savings that they have to make. You do not have to rely on me to confirm that. You can rely on my counterpart, Mr Robb, who on national television has made very clear that $70 billion is not a furphy. If those opposite want to talk about debt, they had better tell Australians either which services they are going to cut or how much debt they are going to increase. The reality is that you
cannot have it both ways. You cannot keep promising spending while saying no to revenue measures, and that is what the opposition is doing and that is why their numbers are in the position they are. *(Time expired)*

Senator MASON (Queensland) (14:48): On another supplementary question, given that Queensland Labor debt is set to nearly quadruple, from $21 million in 2004 to $85 billion by 2014, all at a time of a mining boom, and that it took the Rudd-Gillard government only a third of the time to amass nearly 1½ times as much debt as it took the Hawke-Keating government, will the minister apologise to Australians for Labor's appalling economic management?

The PRESIDENT: The minister need only address that part of the question that refers to the portfolio.

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:49): The economy is at a place where we see unemployment with a five in front of it, we see inflation in the target band of the Reserve Bank, we see continued growth in mining investments notwithstanding the scare campaign by those opposite—

The PRESIDENT: Senator Wong resume your seat. There are interjections on my left which are making it very difficult to hear the answer. Order!

Senator WONG: We have a situation where, despite what has occurred globally, we have an economy that is continuing to grow, unemployment with a five in front of it and inflation in the target band, and those opposite want to pretend that everything is going down the toilet. It is just the most ridiculous position. This is from an opposition that has never once got its costings right. The economic team of the coalition have never got their costings right. Who can forget Senator Sinodinos saying that there is a lot of untidiness over there when it comes to your budget position!

Honourable senators interjecting—

Senator Cormann: You never once got your budget right!

The PRESIDENT: Order! It is very difficult to hear the answer when people on both sides are interjecting. The time to debate this issue is after question time.

Honourable senators interjecting—

The PRESIDENT: Order! I remind honourable senators that the time to debate this is after question time.

Senator MASON (Queensland) (14:50): Given that the yearly interest repayments on federal Labor's $132 billion debt are about twice the net revenue from the mining tax, can the minister explain to the people in my home state of Queensland why their best-performing industry has to pay the price for Labor's obsession with spending and borrowing?

Senator WONG (South Australia—Minister for Finance and Deregulation) (14:51): What we would say to the people of Queensland and the people of Australia is that we stand for a fair share of mining profits for you. That is what we say. We say to people across this country: we want you to have greater superannuation savings. We say to small business: the Labor Party wants to deliver tax breaks—

Senator Ian Macdonald: It's called royalties!

The PRESIDENT: Senator Wong, just resume your seat. I remind senators on my left: if you wish to debate the issue, the time is after three o'clock, not now.

Opposition senators interjecting—

The PRESIDENT: The time is after three o'clock! The minister has the call.

Senator Cameron interjecting—
The PRESIDENT: Senator Cameron! I have just called the other side to order. I am waiting to hear the minister's answer. Order on both sides! The minister.

Senator WONG: The difference is very clear. We stand for ensuring that the Australian people get a fair share of the profits from the resources that are owned by the Australian people. We stand for providing tax breaks to small business. We stand for a tax cut across the broader economy. We stand for more superannuation for working people. That is what the Labor Party stand for. Those on that side stand for the interests of wealthy miners, including their largest donor, Mr Palmer. That is who they are standing up for. (Time expired)

Manufacturing

Senator MADIGAN (Victoria) (14:53): My question is to the Minister representing the Minister for Industry and Innovation, Senator Lundy. Can the minister explain why the $1 billion clean technology investment programs, including the food and foundries program, which are funded by the carbon tax to assist Australian based manufacturing companies to purchase and install less emissions-intensive plant and equipment in their factories, do not have an Australian industry content rule? Can the minister further explain how the government justifies this to Australian manufacturers and workers producing low-emission plant and equipment, including in the solar hot water heating industry, as they watch carbon tax revenues leave Australia for the pockets of the Chinese, German and other overseas manufacturers?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:53): The government, I can assure you, Senator Madigan, is committed to ensuring Australian manufactures are given every chance to succeed. As I am sure the senator would appreciate, it is not appropriate for the government to force private companies receiving government grants to use specific suppliers. Firstly, it is not always possible to source Australian suppliers and, secondly, such a local content requirement would present a violation of our international trade obligations.

The Gillard government has comprehensive policies to maximise the opportunity for Australian industry to participate in major projects, including, as announced in October 2011 by the Prime Minister, that the government will apply Australian industry participation plan requirements to large government grants over $20 million and require publication of Australian industry participation plans and outcomes. These provisions will apply, in the Clean Technology Investment Program referenced by Senator Madigan, to grants over $20 million. In addition the government has committed $53 million to the Buy Australian at Home and Abroad initiative, and this program includes the supplier advocates. These advocates assist Australian small businesses to improve their competitiveness and win a greater share of procurement opportunities.

I would also like to add that in December 2011 the government appointed Dr Marc Newson as the Clean Technologies Supplier Advocate. The clean technologies supplier advocates strategy engages Australian businesses that manufacture and produce environmentally friendly technologies to undertake industry development activities aimed at raising their competitiveness. This will help Australian businesses, small and large, to capitalise on the growing demand for clean technologies and the high-wage, high-skilled jobs that they support and that will support our economy into the future.
Senator MADIGAN (Victoria) (14:56): Mr President, I have a supplementary question. As the lack of an Australian industry content rule could lead to most, and perhaps all, of the $1 billion clean technology investment funds being spent on overseas manufacture, plant and equipment, why isn't the federal government requiring funding recipients to spend some of the programs' $1 billion on Australian manufactured plant and equipment?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:56): As I indicated in my earlier answer, it is not appropriate for the government to require or to force private companies receiving government grants to use specific suppliers. The local content requirements would, as I said, be in violation of our trade obligations. What I can do is reassure you, Senator Madigan, that the government is doing everything possible to make sure that Australian businesses and suppliers are aware of the program and the opportunities within the grants. A total of 2,407 people have registered for and/or attended public information sessions on the new clean technology programs—2,096 people for sessions in our capital cities and 311 people for sessions in regional centres. There have been more than 23,000 visits to the AusIndustry website about the new programs and we will continue to promote them amongst Australian small businesses operating in this sector.

Senator MADIGAN (Victoria) (14:57): Mr President, I have a further supplementary question. In light of the statement by Senator Kim Carr in the Senate on 29 February this year that 'when it comes to buying Australian' the government 'can simply not get enough', does the government accept that it has a responsibility to insert a minimum Australian industry content rule into the guidelines of the Clean Technology Investment Program? And if the government is going to change the program, when will it do so?

Senator LUNDY (Australian Capital Territory—Minister Assisting for Industry and Innovation, Minister for Multicultural Affairs and Minister for Sport) (14:57): Once again, as I have indicated in both of my previous responses, we would be in violation of our international trade obligations to insert minimum Australian industry content rules into the guidelines for the Clean Technology Investment Program. What I would also like to say is that we have absolute confidence in the skill, competitiveness and talents of our clean technology sector to be able to compete not only in Australia but in the global market. We believe firmly that with the supplier advocate and with the other programs and support that I outlined they will have ample opportunities to do so.

The $200 million Clean Technology Innovation Program aims to increase research and development, proof of concept and early-stage commercialisation activities in the areas of clean energies. This is open for applications in mid-2012. It will be a competitive, merits based grant program, again underlining the fact that this is an area of growth for Australian business. (Time expired)

Education Funding

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (14:59): My question is to the Minister representing the Minister for School Education, Early Childhood and Youth, Senator Kim Carr. I refer the minister to the concerns raised by Catholic and independent schools about the federal government's refusal to release data enabling them to assess the impact of the Gonski review's funding changes. The
Victorian government believes the data and modelling is being withheld to stop the states from testing the Prime Minister's promise that no school would lose a single dollar. Is the federal government withholding the data because it knows it has once again broken a promise, and families at Catholic and independent schools will face fee increases? What is the government hiding?

Senator KIM CARR (Victoria—Minister for Human Services) (15:00): I thank Senator Kroger for her question. I noted the comments that were made by the Victorian government in regard to school funding, but any fair-minded person—and I am sure that would include you, Senator Kroger—would have to acknowledge that the Victorian government do not come to this issue with clean hands, particularly when it comes to their program of reduction of funding for schools in the state of Victoria. I take this opportunity to remind the Senate that, in regard to the position that is taken on school funding, this is a government that is committed to ensuring that Australian schools—no matter what their denomination, no matter whether they are public or private—are funded at the highest possible level to ensure that every child in this country gets the best start in life.

What we need to do when it comes to the issue of the Gonski report is to acknowledge also that, while the government on one hand are spending record amounts of money on school education, the Liberal Party has taken another view. It has done its sums very much on the back of an envelope. Its views and its critique of the Gonski report use out-of-date figures. There is no suggestion anywhere here that the government intends to reduce funding. There has been no suggestion by this government at any point other than that it is now in the business of ensuring that there is a proper discussion about the implications of the Gonski report. What it will need to do is ensure that every child continues to get a fair go when it comes to school funding, whether their funds come from the Commonwealth or from state governments. The Liberal Party's attitude is clearly based on assumptions which are incorrect. It is predicating its claims on way out-of-date figures and I suggest, Senator Kroger, that perhaps you get a better briefing on this matter.

Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:02): Mr President, I have a supplementary question. Minister, parents from Donvale Christian College in the electorate of Deakin in Victoria have been beating a path to my door, alarmed about 'a dark cloud of uncertainty about future funding' for their school. Will the government guarantee that there will be no fee increases from any of its funding reforms and that future funding will be indexed?

Senator KIM CARR (Victoria—Minister for Human Services) (15:02): Senator Kroger, I trust that you are able to have a more informed conversation about the Gonski report with constituents who present themselves at your office. The Gonski report does not recommend that this government or any government reduce funding. On the contrary, it recommends increases in support for school education in this country. The government's response, unambiguously, has been to say that indexation—and you specifically raised the question of indexation—will be a feature of any future funding arrangement. The government has also committed to any new funding model to be adjusted and that any transitional arrangements put in place will be such that no school will lose a dollar per student as a result of this funding review. That is a commitment that this government has made repeatedly.
Senator KROGER (Victoria—Chief Opposition Whip in the Senate) (15:03): Mr President, I have a final supplementary question. Minister, these same parents from Donvale Christian College are worried that the Gillard government has used this review of school funding to disadvantage not only their children but also all children in independent schools. Why is the government dragging schoolchildren and their parents into the relaunch of your class warfare in this country?

Senator KIM CARR (Victoria—Minister for Human Services) (15:04): I always enjoy a Dorothy Dixer on a Thursday afternoon. We have heard from the knuckle draggers yet again on this issue—the extraordinary ignorance of those opposite when it comes to the question of fundamental principles of public education. The only party that is actually seeking to cut education in this parliament, as far as I am aware, is the Liberal Party. The Liberal Party put a position in its last budget response that it would take $2.8 billion out and reduce education opportunities for Australians right across this Commonwealth. There would be cuts to trade training schools under a Liberal government. There would be cuts to the digital resources available to students under a Liberal government. Teacher quality would be undermined by a Liberal government. We would see programs to support poor communities in this country undermined by a Liberal government. This is a government that is in the business of— (Time expired)

Senator Chris Evans: Mr President, I very much enjoyed Senator Carr's response, but I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Military Justice

Senator CHRIS EVANS (Western Australia—Minister for Tertiary Education, Skills, Science and Research and Leader of the Government in the Senate) (15:05): I seek leave to incorporate into Hansard responses to a question taken on notice by me yesterday to a question asked in my capacity representing the Minister for Defence.

Leave granted.

The answer read as follows—

Response to a question taken on notice from Senator Johnston—Senate Question Time, Wednesday 21 March.

In answer to your question from Wednesday 21 March, I took on notice the matter of the timing of the introduction of the Military Court of Australia Bill.

The timing of the Military Court of Australia Bill is primarily a matter for the Attorney General.

The Attorney General and the Minister for Defence had hoped that the Bill would be ready for introduction during the Autumn sittings, however this has not been able to occur to. The Government is currently undertaking further consultation with interested groups on a number of complex legal issues.

That consultation is due to be completed in time for the Government to introduce the Bill during the Winter sittings this year.

Defence Exercises

Senator BOB CARR (New South Wales—Minister for Foreign Affairs) (15:06): I seek leave to incorporate into Hansard an answer to a question taken on notice yesterday from Senator Ludlam in relation to the Australia-United States Status of Forces initiatives.

Leave granted.
The answer read as follows—

Question
Will the Australia-United States Status of Forces Agreement require any re-negotiation as a result of the bilateral Force Posture Review initiatives?

Answer
The terms of the Agreement between the Government of the Commonwealth of Australia and the Government of the United States of America concerning the Status of United States Forces in Australia, and Protocol, which entered into force on 9 May 1963, are applicable to the Force Posture Review initiatives announced on 16 November 2011 and are adequate to deal with these sorts of deployments.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Carbon Pricing
Economy

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:06): Mr Deputy President, I move:

That the Senate take note of the answers given by the Minister for Finance and Deregulation (Senator Wong) to questions without notice asked by Opposition senators today.

As honourable senators know, there will be an election in Queensland on Saturday. I am not going to tell the Senate that the carbon tax, the Labor Party's toxic tax, is the only issue in the Queensland election because it is not. There are many more complaints that Queenslanders have about Labor than just the carbon tax, but there is no doubt that it has been one of the most important issues in the Queensland election because it is not. There are many more complaints that Queenslanders have about Labor than just the carbon tax, but there is no doubt that it has been one of the most important issues in the Queensland election campaign. Whatever else may befall on Saturday, the Queensland election will be, among other things, a referendum on the carbon tax. I expect that Queenslanders will send a message to Canberra long, strong and clear that they do not want this tax.

How appropriate it is, therefore, that it was in Brisbane six days before the 2010 federal election that Prime Minister Gillard stared down the barrel of a television camera, perched on the cliffs above Kangaroo Point, and uttered those immortal words: 'There will be no carbon tax under the government I lead.' Brisbane, the capital city of Queensland, was the venue of the lie.

The effect of a carbon tax on the Queensland economy will be devastating. I know Senator Mason is going to speak—no doubt with his customary eloquence—about debt. But I want to say something about the effect of the carbon tax on jobs in Queensland. I refer in particular to the Queensland government's treasury modelling, tabled by the Queensland Treasurer, Mr Andrew Fraser, in August 2011. This is a document which bears the imprimatur of the Queensland government. This is what is projected by the Queensland Labor government's own modelling: it says that the difference in employment in Queensland with a carbon tax as opposed to a scenario where there is no carbon tax will be a difference of 41,000 jobs. There will be 41,000 fewer jobs as a result of the carbon tax. That is what the Labor Party itself says. I do not mean any disrespect to your state, Mr Deputy President, when I say that this is the government that caused Queensland to fall behind every state in the country, including Tasmania, in the middle of a mining boom! How do you do that? How can you manage the Queensland economy so badly that it was the worst performing economy—worse even than Tasmania, which has been reduced to an industrial museum by the Labor-Green alliance in that state? Queensland did worse in the middle of a mining boom! It takes rare genius to do that. But wait for it, Mr Deputy President: the Queensland Treasury's own assessment is that the difference in gross state product in Queensland as a result of the
carbon tax is some $28 billion. The Queensland gross state product will be $28 billion less in the out years as a result of the carbon tax, according to the Queensland Treasury.

Mr Deputy President, I see you inquiring into my eyes and asking: why is it that Queenslanders are so infuriated with this Labor government? It is not just the catastrophe of the state health system. It is not the fact that the roads are in disrepair. It is not the fact that government services cannot be delivered. This Labor Premier and this Labor Treasurer, who are so incompetent that they reduced Queensland to sub-Tasmanian economic performance in the middle of a mining boom, are also complicit in introducing a carbon tax which will wipe $28 billion—on their own estimate—off the Queensland gross state product and cost 41,000 Queensland jobs. And they are proud of themselves. Let us see what the people of Queensland have to say about that on Saturday.

Senator FURNER (Queensland) (15:11):
The only relevant point that was made by Senator Brandis in his contribution was that there is an election this Saturday in Queensland. He referred to jobs. When I refer to jobs I think about workers, and I think about their conditions of employment. Just recently the Liberal National Party in Queensland made a promise that they will cap workers' pay increases at one per cent. We are talking about nurses. We are talking about police officers and hardworking teachers out there who are going to have their wage increases capped at one per cent. If you want those sorts of conditions in Queensland, vote for an LNP government, because that is what you are in for: a one per cent pay increase per year. What an absolute disgrace.

There have been a lot of other things happening in Queensland leading up to this election campaign and throughout it. Just recently Campbell Newman—I would not call him a member; he is the leader of a party, the Liberal National Party, but holds no seat—has distanced himself from statements made by Clive Palmer about having some association with the CIA and the United States government over an environmental campaign against coal workers being funded by them.

On the subject of the environment, we only need to look at the policies of the Liberal National Party in Queensland to know what they will do to the environment. We know what their policy is on wild rivers; and that is something that I am passionate about. They will wind them back. They will wind those rivers back to allow mining in areas like the Wenlock River. I do not think Campbell Newman has ever been up there. He is too busy, with his miners cap on, with the light in the front—a little fellow running around in tunnels, looking for another tunnel to implement somewhere in Queensland. I am sure he has never been up to the cape, with his little miners cap on. He is too busy looking at those failed tunnels in Queensland that put the Brisbane City Council in enormous debt. If you want debt in Queensland, vote for an LNP government, because you will get Campbell Newman with his miners cap on, searching around with his torchlight, looking for another cross-river tunnel. That is what we are in for in Queensland if we end up with Campbell Newman.

Talking about improprieties, the CMC recently investigated what Campbell Newman has been involved in, and it has already come out that there will be an investigation through the Ombudsman about the donations to the Liberal National Party Forward Brisbane Leadership fund made the week before a controversial development
was approved by the Brisbane City Council—the Brisbane City Council that Campbell Newman was the Lord Mayor of. So the CMC, the Crime and Misconduct Commission, is going to investigate, through the Ombudsman, those donations to your party, Senator Brandis. That is what they are looking at.

Remember Joh Bjelke-Petersen? We are going to return to the bad old days of Joh Bjelke-Petersen if people elect the Liberal National Party in Queensland. Just to give you some idea of the calibre of some of the candidates that they are supporting, there is a candidate on the Gold Coast who has already been linked to pornography websites. This is the sort of candidate the Liberal National Party wants to endorse and support—someone who promotes pornography on a website. Then we go to the Far North of the state, up to Cairns. The Liberal National Party candidate up there talks about women who go out dressed for a good night and wear maybe a miniskirt or a nice blouse—

**Senator Cash:** What are you talking about?

**Senator FURNER:** Listen to this, Senator Cash. These are your candidates in the Liberal National Party up in Queensland saying that women who go out dressed in a short skirt deserve to be raped. What an atrocious statement! This is the type of calibre that the LNP have endorsed and will support in this election come Saturday. If you end up with a Liberal National Party government in Queensland, this is the type of calibre that you will end up with. These sorts of candidates believe that women—

**Senator Cash interjecting**—

**Senator FURNER:** Senator Cash, you should be horrified by that sort of statement by a candidate.

**Senator Cash interjecting**—

**Senator MASON** (Queensland) (15:16): With Easter upon us we have learnt two things. We now know that modern Labor, the Labor government, is based on two pillars. It is based on a great con and it is based on a great lie. The great con, of course, is that debt does not matter and the great lie is that the unilateral imposition of the harshest carbon tax in the world is in our national interest. It is a twin pillar: a great con and a great lie. We have the great lie, the carbon tax, to pay the great con, Labor's debt. They are working arm in arm.

It was not that long ago that Senator Joyce spoke about sovereign debt, and everyone laughed at him. The government said, 'He has no idea,' and within 18 months Western Europe is on its knees and the United States is not doing too well either. Senator Wong today in the Senate in answer to my question said, 'It's all okay, Senator Mason, because there is no real problem; Australia's debt isn't too bad.' Well, it is bad—and I will get to that in a second—but the only reason that it is not worse is that Labor have won about one in every three elections since World War II. If they had won two out of every three elections since World War II—as the social democratic parties have done in Western Europe—we would have a debt crisis.

Why can I say that with absolute certainty? It is because every time Labor get into office, what is the situation when they leave? Australia is further in debt. Every time the Labor Party get into office and then leaves, are finally thrown out, Australia is far further in debt. If the coalition had not won
two out of every three elections since World War II we would be just like Western Europe. There would be institutionalised, systematic and systemic debt. If this lot survive long enough we will have that here too.

We know that because even their great stimulus policy, the Building the Education Revolution, was an absolute disgrace—not because they spent the money but because they spent it wantonly. Their own departments could not even determine whether the money was well spent. They spent $16,000 million dollars doing that and they wasted much of it. They did not even have the oversight mechanisms to ensure that the money was well spent. And now what do we know? We know that each Australian already owes $6,000 to cover the interest payments on Labor's debt. So it is all very well for Senator Wong to go on and on about 'It isn't too bad', but it is already bad and it is getting much, much worse.

Every time we talk in this chamber about debt, Labor not only say, 'It doesn't matter,' but also say, 'We had to do it to stimulate the economy'—as though in some way it is very hard to spend money. You know what the hard thing to do is? Spend it well and get good value for money. That is the test of good government. On that test alone, this government failed. That is the test. It is not hard, believe me, to spend billions and billions of dollars. That is really easy. The really tough bit is to spend it well. I do not give any credit to this government for spending money wantonly. I do not give them any credit for spending billions of dollars on, allegedly, some sort of stimulus package. I would give credit if it had been well spent and the taxpayer had got value for money. Did they? No, they did not. That is the great crime of Labor, and that is why Labor are always the party of debt and have been ever since 1901.

And Queensland—look, I do not need to go there! They are $85 billion in debt—nearly as much as the Hawke-Keating debt—and we lost our AAA credit rating. It is typical, modern social democracy—placing the people of Queensland further and further in debt. It is a disgrace. But it is of course just true to form. And it is all to be paid for by the greatest lie of this century from modern Labor—the carbon tax. So we have not only that lie that the Prime Minister told the populace before the last election but also the great lie that it is in our national interest to do it unilaterally. That to me has always been a great concern: that the government has always lied and said, 'It's in our national interest to act unilaterally,' irrespective of what anyone else does. In the end, the great lie will not pay for the great con.

(Time expired)

Senator SHERRY (Tasmania) (15:22): It is always a pleasure to participate in a debate about the economy, even if it has a somewhat specific Queensland focus as a consequence of the election that is to take place on Saturday. But, of course, this is the federal parliament and I will take up the challenge of Senator Mason. Senator Wong—and, indeed, other ministers, including me when I was Assistant Treasurer and held a range of economic responsibilities during the global financial crisis—has well pointed out the circumstances Australia faced in terms of what was a world recession. We determined to stimulate the economy and we prevented Australia's economy from going into recession.

Senator Mason, in his contribution, said that it is hard to keep a budget surplus; it is hard to keep a budget out of debt. I can tell you it is pretty damn hard to keep an economy out of recession when the rest of the world is in one. That is pretty damn hard. Let me refer to the evidence—
Senator Mason: You've got to spend well.

The DEPUTY PRESIDENT: Order, Senator Mason!

Senator SHERRY: I did listen to Senator Mason in silence. Let me refer to the commentary at the time when the world was slipping into recession. As I said, Australia did not have a recession. Let me refer you to commentary from none other than the so-called shadow Treasurer, Mr Hockey, who said there would be a million unemployed in Australia and that we would have double-digit, 10 per cent, unemployment. That is what he predicted in the middle of 2008. The well-known economic guru, the Leader of the Opposition, Mr Abbott, predicted: 'If the rest of the world has a recession, you will not keep Australia out of recession.' I remember those two predictions—from Mr Hockey, that there would be a million unemployed in Australia if there was a world recession, and from Mr Abbott, that you could not keep Australia out of a recession if the rest of the world went into one. Well, the rest of the world went into a recession and Australia did not have a recession. Those two leading economic spokespeople for the opposition, Mr Hockey and Mr Abbott, were wrong. They predicted a recession in Australia and they predicted a million unemployed, and they were wrong. They were wrong because this Labor government took the correct actions to stimulate the economy.

Senator Mason: Was it good value for money, Nick? No.

Senator SHERRY: That is why we have got a 5 in front of the unemployment rate in this country, whereas in Europe they have a 10, Senator Mason, and in the US it is not much better. In the rest of the advanced economic world, there is deep unemployment—

Senator Mason: Deep debt.

Senator SHERRY: I will get to debt in a moment—and Australia has a 5 in front of its unemployment rate. We have half the level of unemployment of most of the advanced European economies and the United States.

Let me move to the debt issue. The debt arises from two consequences. One: the world recession reduced Australia's revenue. We lost over $120 billion in revenue as a consequence of the world recession. So revenue dropped significantly as a result of the world recession. And, yes, we did spend money, and in spending money we kept this economy out of recession, and that is recognised by almost every leading independent economic authority in the world, from the World Bank to the IMF to Australian economists. The decisive action we took to keep this economy out of recession is recognised by almost everyone but the Liberal-National Party opposition, who, as soon as we moved into government, developed the habit of saying no, no, no. That is all you get from this Liberal opposition: no, no, no.

I repeat: in the middle of 2008, it was the current Leader of the Opposition, Mr Abbott, who said: 'If the rest of the world goes into recession, you won't keep Australia out of it. Don't spend any money. Don't have a stimulus package.' That is what Mr Abbott predicted. Mr Hockey predicted a million unemployed. He shifted his political lines very quickly to focus on what he thought would be a million unemployed. They were wrong: Mr Hockey was wrong and Mr Abbott was wrong. This Labor government, of which I am proud, kept Australia out of recession. That is why we are in such a strong position. (Time expired)

Senator BOSWELL (Queensland) (15:27): Whether it is Senator Brandis's remarks on a carbon tax or Senator Mason's remarks on debt, whatever the feeling is,
overwhelmingly the Queensland people have had enough of Labor. The carbon tax is a big issue. It is a huge issue in Queensland and it is a huge issue everywhere else.

Labor's own Treasury modelling in South Australia shows that 1,500 jobs will be lost, the New South Wales Treasury says that 31,000 jobs will be lost, the Victorian Treasury says 24,300 jobs will be lost, and the Queensland Labor government says there will be 43,000 jobs lost due to a carbon tax. What has escaped a lot of people is that the loss to GDP with a carbon tax by 2015 will be $36 billion, and by 2050 it will be $1 trillion. That is not a Liberal-National Party prediction. The page on the government's own website entitled 'Strong Growth, Low Pollution' says $36 billion. So you can understand why people are so concerned about all those jobs. They are not predictions by the LNP; they are Labor Party statements about job losses.

Senator Joyce today pointed out the absolute stupidity and folly of putting this tax on. Everyone knows that, unless it goes on worldwide, it will not work—it cannot work. Unless you go to the Indonesians, the Indians, the Chinese and the Third World countries and say: 'We want you to pull your weight. We don't care if you're starving. We don't care if you don't know where your next feed is.' You pull your weight and put the price of your fuel up for cooking and put the price up for electricity—'You pull your weight.' Of course, what are they going to say? 'Listen, we don't even know where our next feed is coming from. How can we pay a carbon tax?' Unless you can get the Third World countries to do it is a farce. It is a folly. It is stupidity. But you underestimate the brainpower of the general population. You underestimate their intelligence, because they can see it. They know it, and they know that what they are being asked to do is going to have no effect on the economy.

I just want to pick up Senator Furner's remarks. Senator Furner said that the public service was going to be limited to one per cent. I had never heard that before, but I just went up and got some reference to that. Mr Nicholls said that the LNP was determined to deliver a public service that was affordable and grew in line with the community needs:

The LNP is offering public servants long term job security and the removal of the wage cap in return for managing overall growth. We want neither a big nor a small public service—we want the right sized public service.

So for Senator Furner to come him here and say that everyone's wages will be capped at one per cent is not the truth. It is absolutely turning the truth around.

No amount of the Labor Party telling people untruths about what the LNP government will do is going to change the effect of what is happening in Queensland. People have made their minds up in Queensland. They have put up with the Labor Party just spending and spending and running up debt, losing their AAA rating and plunging them into debt. They plunged what was a wealthy state with a huge mining income into a basket case. Queensland is a basket case under the last 20 years of Labor government. It cannot perform, and the people have made this assessment.

They have made it over a number of years. They have made it and added it all up. What does a carbon tax do? Why are we in debt when we have a huge mining industry in Queensland? Why are we numbered last—

(Time expired)

Question agreed to.
COMMITTEES
Privileges Committee

Report

Senator FAULKNER (New South Wales) (15:32): I present the 151st report of the Committee of Privileges, entitled Possible imposition of a penalty on, or interference with, a witness before the Rural Affairs and Transport References Committee.

Ordered that the report be printed.

Senator FAULKNER: by leave—I move:

That the Senate endorse the findings at paragraph 1.73 of the report and the conclusion, at paragraph 1.74, that a contempt should not be found in regard to the matter referred.

The committee reports to the Senate on a matter arising from the removal of a person from positions held in an organisation after he gave evidence as a representative of that organisation at an in camera hearing of the Rural Affairs and Transport References Committee in March of last year.

The committee regards the protection of persons providing information to the Senate and, in particular, of witnesses before parliamentary committees as the most important duty of the Senate in determining possible contempts. Any suggestion that a penalty has been imposed upon a witness as a result of giving evidence to a parliamentary committee is therefore treated with the utmost seriousness.

The committee's attention was drawn to a number of actions which are capable of being treated by the Senate as contempts. However, the committee has been unable to conclusively establish the facts of the matter, which primarily turn on the content of a private conversation. In those circumstances, the committee cannot recommend that a contempt be found. The committee considers, however, that the combination of events involved contributed to an atmosphere in which the witness might, with good justification, have been concerned that action was being taken against him because of his evidence. While not recommending that a contempt be found, the committee considers that the organisation involved should formally apologise to the witness for the way in which this matter was handled.

Mr Deputy President, you might note that I am tabling this report as the deputy chair of the Committee of Privileges because, as I am sure you know, we have recently had a change in membership of the committee. I do take this opportunity on behalf of the committee to thank the outgoing chair, Senator Johnston, for his exemplary work in chairing the Committee of Privileges, and doing so in a very cooperative and non-partisan fashion that, of course, is the very strong tradition of the committee. I would also take the opportunity to welcome Senator Humphries to the committee and note that, at a meeting earlier today, Senator Humphries was elected as the committee's new chair—so I do not think you will be seeing me do this again very often as the committee's deputy chair.

The effect of the motion that I have moved is for the Senate to endorse the committee's findings on this matter and its conclusion that a contempt not be found, and I commend the motion to the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUSINESS

Rearrangement

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:39): by leave—I move:

That the following government business orders of the day shall be called on immediately and have precedence over all other business till not later than 4.30 pm:

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CHAMBER

Question agreed to.

BILLS

Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012

First Reading

Bill received from the House of Representatives.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:39): 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) (15:40): 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—

This Bill responds to uncertainty about the legal status of de facto property and maintenance orders which were made by the Family Court of Australia and the Federal Magistrates Court in the absence of a Proclamation permitting the exercise of jurisdiction under the Family Law Act 1975.

It will apply to orders that have been made by those courts between 1 March 2009 and 10 February 2012 in New South Wales, Victoria, Queensland, Tasmania, Australian Capital Territory, Northern Territory and Norfolk Island and between 1 July 2010 and 10 February 2012 in South Australia.

Orders in relation to marriage and children are not affected. Likewise, de facto property and maintenance orders made in Western Australia are not affected as Western Australia has not referred its powers in these areas to the Commonwealth.

The Bill will also clarify the status of orders that have been made by the Family Court of Australia on appeals from Family Law Magistrates in Western Australia. These orders have been made between 1 July 2006 and 20 October 2011 in the absence of a similar Proclamation permitting the exercise of jurisdiction to hear these appeals.

Proclamations have since been made to ensure that there is no doubt about the validity of orders made by the federal family courts from 11 February 2012 for de facto property matters and from 21 October 2011 for appeals from Family Law Magistrates in Western Australia.

The Bill will provide clarity to the status of orders that have been made prior to the respective Proclamations being made. This will be done by creating new statutory rights and liabilities that mirror the rights and liabilities which would have been created if Proclamations had been made at the time the respective jurisdiction was originally conferred.

The new rights and liabilities created by the Bill are exercisable and enforceable, and are to be regarded as always having been exercisable and enforceable, in exactly the same way as if the orders had been validly made.

This means that anything done or not done in reliance on the new statutory rights and liabilities will be taken to be valid.

The Bill explicitly recognises that individuals had and have the right to appeal against, or to seek review of an affected order and the right to vary affected orders in later court proceedings.

The provisions of the Bill do protect the outcomes of proceedings which have been completed where a court has set aside or declared an earlier order to be invalid or to have been made beyond power. To that end, it respects that this process, usually by way of an appeal, will have addressed defects in orders and will not supplant the rights and liabilities which would
have flowed from their original order over those that currently exist. Where individuals have invested the time and gone to the expense of appealing their orders, this must be respected.

The measures in this Bill will ensure that all persons who may have been affected by the absence of a Proclamation have no uncertainty about the legal status of what they had thought to be valid orders of the court. This Bill will prevent affected individuals from having to go back to court to seek new orders or appeal existing ones.

Repeal subsections 40(1) and (2) of the Family Law Act

Finally, the concerns relating to the validity of these orders were caused by the absence of a rare type of Proclamation required under section 40 of the Family Law Act.

The original requirement for a Proclamation under section 40 of the Family Law Act was to allow for the ‘phasing in’ of the jurisdiction of the Family Court in 1976.

As the Family Court is now well-established, subsections 40(1) and (2) of the Family Law Act no longer serve any purpose.

To avoid future oversights, the Bill will repeal subsections 40(1) and (2), which will remove any need for this rare type of Proclamation in the future.

The Bill substitutes a new subsection 40(1) which provides for the making of regulations to restrict the exercise of jurisdiction conferred on the Family Court in appropriate circumstances. The most obvious of these is in relation to the State Family Court in Western Australia. That court has been invested with federal jurisdiction and the subsection 40(2) Proclamations have been used to restrict, by not providing for, the Family Court to exercise original jurisdiction in that State.

The Government intends to maintain that status quo and will use the regulation making power to ensure no unintended consequences flow from repealing subsections 40(1) and (2) in their current form.

Departmental Processes

The need for this legislation arises from administrative oversights by the Attorney-General’s Department when the two areas of jurisdiction were originally conferred on the family courts. The Department should have briefed the Attorney General of the time of the need to advise the Governor-General to make a Proclamation under section 40 of the Family Law Act 1975. In both instances, being 2006 and again in 2009, this was not done.

Thus, in addition to amending the legislation to prevent a similar oversight occurring again, the Attorney-General has asked the Department’s Secretary to conduct an audit of the processes within the Department that ensure that all legislative requirements are met. The Attorney-General is determined to make sure that a similar oversight does not happen again, as small administrative errors like this one can have significant repercussions for the individuals they affect.

Conclusion

The swift passage of the bill will give back legal certainty to all those people who may have been adversely affected by the absence of this type of Proclamation.

I commend the Bill.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:40): The opposition supports the Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012, but there is a second reading amendment which I understand is being circulated in the chamber, which I will read:

… but the Senate notes and condemns the incompetence of the Government in:

(a) failing for almost three years to proclaim the relevant provisions of the Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008, thereby needlessly permitting invalid orders to be made by the federal family courts and throwing the financial affairs of thousands of Australians into confusion;

(b) failing to act promptly to correct the problem after it was first brought to its attention; and
Let me explain what this is about. In 2008, the Family Law Act was amended by the Family Law Amendment (De Facto Financial Matters and Other Measures) Act, with the support of the Liberal and National parties. The most important aspect of that bill was to vest in the federal family courts—that is, the Family Court of Australia and the Federal Magistrates Court, which in the exercise of its family law jurisdiction in fact deals with most family law matters in Australia today—jurisdiction in relation to de facto as well as matrimonial dissolutions. In relation to de facto couples, both opposite-sex and same-sex de facto couples would, in the event of a termination of their relationship, thereafter have their affairs dealt with by the Family Court or the Federal Magistrates Court. So the distinction for jurisdictional purposes—and, I emphasise, only for jurisdictional purposes—between married couples and de facto couples was eliminated.

It is more than three years since that bill was passed into law and received the royal assent at the end of 2008, but, as is commonplace in legislation of this kind, provision was made for the bill to come into operation on a date to be fixed by proclamation. The Family Court and the Federal Magistrates Court, from the beginning of 2009, proceeded to deal with their new jurisdiction. In the more than three years since, thousands and thousands and thousands of de facto couples, whether opposite-sex couples or same-sex couples, have gone before those courts when, sadly, their relationships have come to an end, and those courts have made orders in respect of, among other things, the property of the de facto couples. Obviously, because they are de facto couples, no order need be made for the dissolution of a marriage—that goes without saying—but this jurisdiction is important because, in a practical sense, it is important in relation to property disputes in particular and also in relation to care of and responsibility for infants in the relationship.

At the end of last year, a Family Court judge in Melbourne discovered that the act had never been proclaimed. It never came into operation as it was meant to do. As a result, the jurisdiction which the Family Court and the Federal Magistrates Court had purported to exercise was jurisdiction that in fact they did not have, because the final step to make the act law and in operation had been overlooked by the government. That is an extraordinary turn of events. The purpose of this act is to retrospectively correct that oversight so that, by force of this act, all orders and decrees of the Family Court and the Federal Magistrates Court in relation to de facto couples which were made on the basis of the erroneous assumption that the jurisdiction of the court had commenced will be validated and the affairs of those people and of third parties who have dealt with them, particularly in relation to their property, will be regularised.

The opposition has no difficulty supporting this bill, just as we supported the bill to retrospectively validate decisions of the Australian Military Court after it was struck down by a decision of the High Court in Lane and Morrison. We have no difficulty at all regarding this as an urgent matter which should be given swift passage through the parliament, which is why it has been listed in this bracket of business. But we do not let the occasion go by without noting three things. First of all, there is the extraordinary systemic incompetence that would allow an act of this importance, affecting so many thousands of Australians in the most personal aspect of their affairs, to go unproclaimed. How incompetent does a government have to be that it forgets to...
proclaim its own legislation, particularly legislation of this social importance affecting so many people?

We learned not long after the election of Mr Rudd as the Prime Minister that the cabinet office and the Prime Minister's office had become a train wreck of confusion, maladministration, deadlock and paper piling sky-high on the cabinet office desk. One of the consequences of that sheer administrative hopelessness was this bill. And the victims were the thousands upon thousands of Australians whose affairs were thrown into chaos, and whose affairs will be regularised now when this bill before the parliament today is passed.

Secondly, almost as astonishing as the fact that this could have happened in the first place, is the fact that evidently there were no systems in place to make sure there was a fail-safe mechanism to ensure that, if a mistake like this were made, it was swiftly detected. This mistake was never detected. It was detected as a result of a point taken by an individual judge in a random case three years after the fact, at the end of last year. But for the industry of that particular Family Court judge this could have gone on for years on end, and it would not have been tens of thousands people affected; it would have been potentially hundreds of thousands.

It is a salutary lesson that, when we in the Liberal Party accuse the Labor Party of incompetence, it is not just a debating point, it is not just being political; incompetence has its costs. The failure of a government and in particular a government at the highest level, the cabinet office, to have proper systems in place can have very direct consequences for citizens. Those who are responsible for this oversight and, just as much, those who are responsible for the failure to establish oversight systems to immediately identify and correct such an omission, should be ashamed of themselves.

Ultimately ministers have to take responsibility for what happens on their watch. We are yet to hear any minister in this government—whether the former Prime Minister, Mr Rudd, on whose watch the initial mistake was made, or the current Prime Minister, Ms Gillard, on whose watch the oversight was allowed to continue, or the former Attorney-General who had the carriage of the matter, or the new Attorney-General—actually express regret, actually make an apology to the thousands and thousands of innocent people affected by this. One would have thought that as a matter of ordinary decency there would have been an apology, but apology was there none. The third thing that disappoints me as the shadow Attorney-General is that, the moment this was identified, there was no communication directly from the government to the opposition, from the Attorney-General to me, to say, 'We have discovered this terrible oversight. It is an oversight that can be corrected very simply by remedial legislation. We need to move as swiftly as possible in order to regularise the affairs of the tens of thousands of people affected. Will you give it your swift cooperation?' There was no such communication at all. And of course not for a moment would we have failed to cooperate, because we do not want to see Australians who have been before the Family Court or the Federal Magistrates Court damaged or have their affairs left in disorder as a result of the incompetence of the government. So, although we chastise the government for their incompetence, we afford them complete cooperation with the swift passage of the remedial legislation.

You would have expected there would have been such a communication to the opposition in these circumstances but there was none. The matter came to light only after
the Australian newspaper got hold of the decision of the Family Court judge who discovered the problem. Senator Feeney, I know it is not your fault—you were not a minister at the time but you answer for the government in the Senate this afternoon—but perhaps you could explain to us why it is that we have had to wait until the final hours of the very last day of the summer parliamentary sitting of 2012 to deal with this. It should have been dealt with on the first day, or certainly the first week, of the 2012 sittings, not on the last day of the first sittings of the parliament for 2012. So, with the remedial legislation having been kept silent from the opposition, the government did not act with appropriate swiftness to deal with the problem when it was alerted to it. We have had several parliamentary weeks in these sittings until, at last, in the closing hours of the sittings, the government is dealing with the matter.

As I said, the opposition in this place, as we did in the House of Representatives, offer the government swift passage of this bill, and we will not delay the passage of the bill by dividing on the second reading amendment. But I do make the point that for a government to have been so incompetent as to fail to proclaim its own legislation; to have been so doubly incompetent as not to have mechanisms, systems, in place within the cabinet office and higher echelons of the government and the relevant department to ensure that mistakes like this were discovered quickly; to not communicate with the opposition immediately, once the mistake was discovered after three years, and then to drag its heels until the last day of the first sittings for 2012 of the parliament to fix the problem, while all the time tens of thousands of citizens have their affairs in chaos until the remedial legislation is passed, is a standard of performance below that which people are entitled to expect of a government. Incompetence has its costs, but usually it is a political cost. The incompetent ministers suffer the political penalty of chastisement but not always do innocent third parties suffer. On this occasion tens of thousands of Australians have suffered. It is not good enough.

Having made those observations, and having invited the parliamentary secretary to offer an apology on behalf of his government and an explanation as to why it has dragged its feet in this matter, even after the problem was discovered three years down the track, let me conclude by saying that, of course, the opposition supports the bill and hopefully, Mr Parliamentary Secretary, you will not forget to proclaim this one. I move the second reading amendment circulated in the chamber:

At the end of the motion, add 'but the Senate notes and condemns the incompetence of the Government in:

(a) failing for almost three years to proclaim the relevant provisions of the Family Law Amendment (De Facto Financial Matters and Other Measures) Act 2008, thereby needlessly permitting invalid orders to be made by the federal family courts and throwing the financial affairs of thousands of Australians into confusion;

(b) failing to act promptly to correct the problem after it was first brought to its attention; and

(c) failing to immediately bring remedial legislation before this Parliament'.

Senator FEENEY (Victoria—Parliamentary Secretary for Defence) (15:58): I do not think it will surprise you or the chamber to learn that the government will be opposing the second reading amendment. Let me deal with some of the issues raised by Senator Brandis. I congratulate him on what was a most artful speech but, while he offered us cooperation with the legislation—and I say most earnestly thank you for that cooperation; that
is valued and important—it was an artful speech because this is a bill that provides certainty for family court orders with regard to matters following two proclamations in the Family Law Act that were not made, the first of those not having been made in 2006 and the second not having been made in 2009. In both instances this was a departmental oversight, given this is a very rarely required proclamation under the act. But I think the relevant point is that while, in 2009 this was an error for which Labor takes responsibility given that we were in office, in 2006 it was under the Liberal-National government and, if one were simply listening to Senator Brandis's artful speech, one would have concluded that some grotesque error had occurred entirely on the watch of the Labor Party. In fact, let the record make clear that this was a mistake that, while departmental and administrative, has its origins in 2006. This is a pertinent point that I notice was startlingly absent from the speech of Senator Brandis.

While I thank him for his cooperation, I think his speech makes plain just how dreadfully painful cooperation is for those opposite. No opposition and obstruction is obviously their preferred mode. But here the good angels have prevailed, Senator Brandis, and you have assisted us in this important matter for which I thank you. But let us make clear that, notwithstanding the artful speech of Senator Brandis, this is not a matter on which those opposite are entitled to be quite so high and mighty.

The DEPUTY PRESIDENT: The question is that the second reading amendment on sheet 7228 as circulated and moved by Senator Brandis be agreed to.

Question negatived.
Original question agreed to.
Bill read a second time.
occasion when one does not attempt to ping the government for any failings of its administration, because there are so many opportunities that I could take to do just that. On this occasion, I want to touch on the Antarctic and on the Antarctic Treaty (Environmental Protection) Amendment Bill 2011 that is before us and what this legislation will achieve. Antarctica is a very important continent to Australia. It is one that we do not spend enough time thinking about or considering.

The Lowy Institute has produced a very useful policy brief that highlights the significance of Antarctica. It talks about the fact that during the exploration of Antarctica, which occurred from the mid-19th century to the early 20th century—and we have seen some centenary events in recent times marking that exploration—we saw Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom claim sovereignty over territory. Australia's claim to the Australian Antarctic Territory was and remains the largest formal claim to sovereignty in Antarctica. In fact Australia claims around 42 per cent of Antarctica as sovereign Australian territory. I note that that claim is not necessarily recognised by all other countries, but nonetheless it operates in a certain way at present and particularly operates under the Antarctic Treaty framework which I will come to shortly.

The Lowy Institute brief notes that until the 1950s Antarctica was largely overlooked as a place of strategic significance. With the advent of the Cold War, however, states began to consider it as a potential location for submarine bases, nuclear testing and intelligence gathering. We can only imagine if states were to start talking about undertaking nuclear testing, basing submarines or mining in Antarctica what unease and concern that would bring about. Even then it brought about significant unease. To quell those concerns, in 1959 the claimant states I mentioned before—Argentina, Australia, Chile, France, New Zealand, Norway and the United Kingdom—joined with Belgium, Japan, South Africa, the Soviet Union and the United States to negotiate the Antarctic Treaty to 'preserve the continent as a demilitarised zone for peaceful and cooperative science, free from international discord'.

I think it is worth reflecting on the time frame we are talking about—1959. This was a time in which the world was embroiled in the Cold War. We had a significant continent with significant potential geostrategic and geopolitical opportunities, and yet a good collection of states in the east and the west, in particular the United States and the Soviet Union, agreed to enact this treaty to protect Antarctica. That is something that shows just how significant this pristine continent was seen to be, even at that time, and that it was seen as something that we should preserve. Since the treaty came into force in 1961, the number of states party to it has grown to 48. In addition to the 12 original signatories, 16 other states have consultative party status allowing them to vote on decisions concerning Antarctic administration. The treaty has also been supplemented with several additional instruments focused on protecting the Antarctic environment and wildlife. Indeed, the Protocol on Environmental Protection to the Antarctic Treaty, the Madrid protocol, is a key part of those and plays a key role in the amendments before us today. In recent years we have seen a significant increase of activity in Antarctica and around Antarctica. Many, many countries have opened new bases and new facilities within Antarctica. In fact, around 120 scientific bases now exist in Antarctica and Australia has cooperated with that. Within the area of the Australian claim, there are many different countries operating
their own bases for their own scientific advancement. Countries such as China, India, Russia and the United States—which are not claimant states but have reserved the right to make claims over Antarctic territories—all have active scientific research programs in Antarctica and, as I have said, many of them within Australia's claimed territory.

As I indicated before, Australia's claims of territory are not universally recognised. Both the United States and Russia reject all sovereign claims in the region and reserve their rights to make their own future claims. Nonetheless, in this parliament we should recognise Australia's claimed 42 per cent of Antarctica and we should strive to ensure that it is protected.

The bill before us amends the Antarctic Treaty (Environment Protection) Act, which does provide the central framework for Australia's Antarctic environmental legislation. The act gives particular effect to the obligations under the Madrid protocol, which I mentioned before, and sets out the environmental protection obligations for all activities in the Antarctic treaty area. The act seeks in particular to address issues around the conservation of Antarctic fauna and flora, including the specification of permits and specially protected areas. It addresses matters of environmental impact assessment and it addresses enforcement matters around offences and the use of inspectors.

This bill seeks to amend the Antarctic treaty act by focusing on three particular measures that have been adopted under that 1961 Antarctic treaty and in particular under the 1998 Madrid protocol. These measures relate to, firstly, insurance and contingency planning for tourism and non-government activities; secondly, issues around the liability arising from environmental emergencies; and, lastly, issues relating to the landing of tourists from ships visiting Antarctica. They do seek to strengthen the existing framework that is in place relating to the protection of Antarctica. These matters were considered by the Joint Standing Committee on Treaties, of which I am pleased to be a member. I therefore had the chance to consider these measures before they were ratified by Australia, as well as the chance today to contribute to the debate on this legislation.

If I can look at the amendments in sequence, they are described variously as measure 1, measure 4 and measure 15 as a result of the treaty-making process. Measure 1 deals with matters around costs associated with environmental emergencies in Antarctica and the liability thereof. As the JSCOT found, the costs associated with the response to an environmental emergency in the Antarctic are likely to be significant, given the region's distance from ports and response facilities and difficult operating conditions. That, of course, is a statement of the obvious: that it is not easy to get to Antarctica, it is not easy at different times of the year to get in and out of the Antarctic and there are real risks of how countries can respond to emergencies down there. It is highly likely that Australia, as a large claimant over the Antarctic and also as one of the countries with some proximity to the Antarctic, especially from the Australian Antarctic Division's base in Hobart, would be most likely to be one of those countries providing emergency response.

Following the consultative process, it was agreed that, in order to minimise the risk to the Antarctic environment, government and non-government operators alike should be obliged to undertake reasonable preventative measures, establish contingency plans, undertake prompt and effective response action to environmental emergencies they cause and compensate a party that responds.
to an environmental emergency in its stead. This is an important measure that deals with some of those particular concerns.

Measure 4, which relates to insurance and contingency planning for tourism and non-government activities, recognises, as does measure 15, the very significant growth of tourism activities and non-government activities in the Antarctic region. There are far more ships and there is far more tourist activity in the region than historically has been the case. Up until now, the region had largely been the domain of governments or government sanctioned missions and largely in the domain of scientific research that people traditionally associate the Antarctic with. Today there are more tourists looking at least to get close to the Antarctic and have that opportunity to see a spectacular site. Recognising and preparing adequately for the dangers associated with operations conducted in such an inhospitable and isolated environment was recognised by the JSCOT as being at the heart of measure 4, and in particular JSCOT highlighted that measure 4 seeks to address issues around: the health and safety of individuals participating in activities; the health and safety of rescuers and integrity of equipment used to undertake search and rescue operations in the Antarctic; the significant costs associated with the conduct of search and rescue and medical care and evacuation operations in the Antarctic; the potential for disruption to national Antarctic programs, particularly scientific research activities due to unplanned diversions of critical and limited resources to conduct a search and rescue and medical care and evacuation operations; and the lack of a right to compensation for costs under existing arrangements where parties provide assistance to vessels and aircraft in distress. The committee further noted that contingency plans and arrangements must be in place prior to activities commencing and that such plans cannot be reliant upon support from other operators or national programs unless prior agreement has been reached. So it really does attempt to put in place some type of framework of measures—a regime that ensures that assistance can be forthcoming. But of course it relies upon mutual cooperation and ensuring that parties understand their responsibilities when going into the Antarctic environment.

Measure 15 in particular tries to deal with some of the issues around tourism matters. It places some restrictions on tourism and other non-governmental activities in the Antarctic inside the treaty area. It recognises that the growth of tourism and the new requirements will mean that for vessels carrying more than 500 passengers operators must refrain from making any landings in the Antarctic. So there is very clearly a distinction there between being able to sail close to the Antarctic versus actually landing in the Antarctic. For vessels carrying 500 or fewer passengers, operators must coordinate with one another with the objectives that: no more than one tourist vessel is at any landing site at any one time; no more than 100 passengers are ashore at any one time; and a one to 20 guide-to-passenger ratio ashore is maintained. These are important considerations and they recognise the fragility of the Antarctic environment. They recognise that it is something that cannot be taken for granted and needs to be carefully managed, and with this growth in tourism activities there really is a need to ensure that they are managed and regulated in a way to guarantee the ongoing protection of that fragile environment.

The Australian government and Australia do have a very significant place in supporting these measures, and I am pleased that the legislation has come to the parliament relatively swiftly after JSCOT concluded its
In all of these cases JSCOT found that the Australian government has strategic and policy interests, that it is important to Australia to see the maintenance of the Antarctic Treaty system and the enhancement of Australia's standing and influence within it, and it is equally important to ensure the protection of the Antarctic environment. JSCOT further found that Australia needs to—as it indeed does and has done consistently under governments of all persuasions—proactively participate in the governance of the Antarctic Treaty system. Of course, if we are to maintain that claim over the Antarctic Territory and if we are to maintain a position of influence over decisions related to Antarctica, we do need to make sure that we are active within the Antarctic Treaty protocols and meetings and that, where they make decisions and where we find them to be in our national interest, we act on those decisions swiftly and appropriately. That is certainly why the JSCOT concluded that all these measures do contribute to the protection of the Antarctic environment and that, given Australia's strategic and policy interests in Antarctica, their implementation would directly contribute to the maintenance of the Antarctic Treaty system and an enhancement of Australia's standing and influence within it.

So it is with that in mind that the opposition is very pleased to support this legislation. It is a continuity of our support that dates back to the Menzies era, when the Antarctic Treaty was first entered into. It is a continuity of support that has lived through governments of all persuasions and it is one that we hope will continue in the future. It is one that we believe preserves a very special place in the world and ensures that a very fragile environment is kept in as pristine a state as possible. It ensures that valuable scientific and meteorological research is able to continue to be undertaken in this pristine environment to the benefit of our knowledge and to the way we apply that knowledge to ensure the advancement of humanity all around the world. I thank the government for bringing this legislation forward, as I say, swiftly after JSCOT concluded its findings. I hope that we can see other treaty member states take similar action so that we can ensure that these measures are applied across the board. I commend the bill to the Senate.

Senator IAN MACDONALD (Queensland) (16:21): I too support the Antarctic Treaty (Environment Protection) Amendment Bill 2011 and endorse the reasons very clearly and succinctly put by my colleague Senator Birmingham, who leads for the coalition on this issue. The Antarctic continent has always been acknowledged as a 'continent of peace and science', which one might say has been the by-line of Antarctica since the early days of the Antarctic Treaty, if not before. I do sometimes wonder, though, whether we are not, in this legislation as with much other legislation, using a sledgehammer to crack a nut. The continent of Antarctica is vast and, quite frankly, whilst it is important to keep an eye on the increasing tourist traffic there, when we consider the extent of the tourist 'invasion' of Antarctica we must also keep in mind the huge expanse of that continent.

Australia does have a claim to a section of the continent, but, as I think everyone recognises, Australia's claim and those of other countries are only honoured by other countries that have a claim. The major powers do not respect any territorial claims by any individual nation and simply retain the view that the Antarctic continent is a continent that is there for peace and science for all nations of the world. Notwithstanding that Australia does claim a section of the Antarctic continent, we of course do not deny others the use of it. In fact, Australia's...
three bases down there offer assistance to anyone who might need it, and our scientists coordinate very well with other scientists around the world.

I entered this debate to pay my respects to Australia's Antarctic Division, which for years has done a great deal of work in the Antarctic. In my perhaps biased opinion, it has some of the leading Antarctic research scientists in the world doing good work constantly on the Antarctic continent. I also want to pay my respects to the ANARE organisation, which is comprised of all the fine people who over many years have involved themselves in Australia's Antarctic research, both in the research itself and in getting to Antarctica and maintaining the bases down there. The ANARE people maintain their enthusiasm for the continent and regularly meet around Australia to do what they can to support Australia's work in Antarctica.

I will also mention in passing the Mawson's Huts Foundation, an entirely privately funded group, although I have to say that in the Howard years, due to the influence of Peter Costello, the government was always very generous towards the foundation with grants. Principally, though, their funds come from philanthropic private enterprise contributions. I am not sure if the current government are continuing that support; I have not been as closely involved with it as I once was. I have a suspicion they are not, and if I am wrong in that I apologise. If I am right, though, I would urge the minister to relook at additional support for the Mawson's Huts Foundation, because what they do is restore and maintain those very early of huts of Australia's premier Antarctic pioneer and explorer, Douglas Mawson. It is important that that part of our heritage be retained, preserved and promoted. It is a big job for a private foundation. Whilst I think things done by private people are always done better than if done by governments, I do think governments should be as generous as they possibly can in supporting groups like the Mawson's Huts Foundation.

I smile to myself when the whaling issue comes up and people get hairy-chested and say what Australia should be doing with Australia's sovereign waters around the Antarctic continent. I always smile when I hear that because I and, I think, anyone who follows this realises that 'Australia's waters' around Antarctica are in fact nonexistent. Very few people recognise Australia as having any sovereign interest in the waters around Antarctica. So in terms of our ability to 'police' whaling by various nations or, I might say, the activities of those who would foolishly put their own lives and the lives of others at risk in opposing whaling, I do not know that Australia constitutionally or legally has any great jurisdiction in those areas.

I do want to refer to some Antarctic waters where Australia does have responsibility, but before I do that I want to complete my good wishes and thanks for those who look after the pristine Antarctic environment by mentioning the Commission for the Conservation of Antarctic Marine Living Resources, an international fisheries management organisation which has its headquarters in Hobart. CCAMLR, as it is called, has over many years been doing a great deal of very good work in supporting science in the waters around Antarctica and contributing substantially to the continuation of the pristine environment in that area.

I want to mention, as I said, the Australian islands down in the great Southern Ocean, the Heard and McDonald Islands, around which Australia does have legally recognised responsibility for the waters. In fact, it is in the Heard and McDonald Islands exclusive
economic zone that Australia has done very good work in protecting those seas from rape and pillage by those who do not have any interest in the sustainability of the fish stocks and the very rare and unique fish stocks in that area. There is a Patagonian toothfish fishery—

The ACTING DEPUTY PRESIDENT (Senator Cameron): Order! The time for this debate has expired.

COMMITTEES
Legal and Constitutional Affairs Legislation Committee
Report
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:30): On behalf of the Chair of the Legal and Constitutional Affairs Legislation Committee, Senator Crossin, I present the report of the committee into revisions of the Classifications (Publications, Films and Computer Games) Amendment R18+ Computer Games Bill 2012, together with the Hansard record of proceedings and documents presented to the committee.
Ordered that the report be printed.

Rural and Regional Affairs and Transport Legislation Committee
Report
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:30): On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Sterle, I present the report of the committee on the Air Navigation and Civil Aviation Amendment (Aircraft Crew) Bill 2011 and the Qantas Sale Amendment (Still Call Australia Home) Bill 2011, together with the Hansard record of the proceedings and documents presented to the committee.
Ordered that the report be printed.

BUDGET
Consideration by Estimates Committees
Senator CAROL BROWN (Tasmania—Deputy Government Whip in the Senate) (16:31): On behalf of the Chair of the Rural and Regional Affairs and Transport Legislation Committee, Senator Sterle, I present the report of the committee on the 2011-12 additional estimates, together with the Hansard record of the proceedings and documents presented to the committee.
Ordered that the report be printed.

BILLS
Landholders' Right to Refuse (Coal Seam Gas) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.
Senator LUDLAM (Western Australia) (16:32): The Landholders' Right to Refuse (Coal Seam Gas) Bill 2011 was last debated on 21 September 2011. All parties, except for the Greens, spoke in this chamber of their intention to vote against it. The ALP dodged the issue by saying states are responsible for coal seam gas rather than the federal government, the Liberal Party said that they have no problems with the status of the rights of farmers and the Nationals basically made something up. They said that we were hypocrites because we stop farmers from chopping down trees, so they just dodged the issue entirely.
This bill allows farmers to say no when coal seam gas explorers come onto their farmland. The bill requires coal seam gas corporations to gain the written authorisation of farmers to enter their land to conduct coal seam gas activities. This will have double value. Firstly, they will have to make the case to farming communities that particular gas wells or leases will not be harmful. It
reverses the burden of proof and will require advance work to happen that will no doubt be beneficial to farming families. That, in itself, is already a benefit even in the event that the farmers concerned then say: 'Yes, we appreciate you have done your homework. We appreciate you think there is no risk here. You have proven that to our satisfaction. You are welcome on our land.' The companies will have been forced to do some of their due diligence in advance.

But the real key to this is farmers having the ability to say no. Let us cut to the chase. The system as it is at the moment is fundamentally broken and needs improvement, so I congratulate Senator Waters for bringing this bill forward. It obviously does not deal with the environmental impacts, it does not deal with the salt that comes to the surface, it does not deal with the fact that the Greens were voted down this morning when we put a proposal for a moratorium on projects such as this. There is strong support in some of Australia's regional areas for such a moratorium. The bill does not go to those larger issues. The bill goes simply to questions of consent. The reason we are having this debate today is to have the opportunity to provide consent rights to farmers. They then become the primary defenders of the land that they have in production.

Tightening the regulations on a case-by-case basis is important, but it does not address the question of whether the short-term benefits of mining on productive farmland outweigh the long-term costs of compromised land, damaged aquifers and reduced food security. It is extraordinary that the debate has even come to this in the driest inhabited continent on earth when coal seam gas companies propose to damage regional aquifers. They have no idea what to do with millions, and then tens of millions, of tonnes of hypersaline water or salt that they will be bringing to the surface. The evidence around the greenhouse gas emissions, once the full life cycle of these projects is taken into account, is ambiguous at best and some of this farmland will have to be taken out of production if these projects go ahead on the scale proposed. We believe that leaving the determination of these issues to environmental impact statements undertaken by state governments is manifestly unsustainable.

I had the good fortune a year or two ago to visit the Darling Downs and southern Queensland around what is now the ghost town of Acland out the back of Toowoomba, a town with a resident population of one because of encroaching coalmines. I visited a Santos gas well where they were doing some early exploration work. They could not tell us what would become of the salt that a full-scale production well would bring to the surface. It is incredibly sad to see good farming country on our dry continent overrun by industrial development of this scale, particularly when they are fossil fuel developments. Sooner or later, the old parties are going to have to come to grips with the idea that some of Australia's fossil reserves will have to stay in the ground. There are no two ways about it.

On matters of national environmental significance, in the case of irreversible damage to water resources or to destruction of prime farmland, everybody has a responsibility. The Commonwealth, state governments and individual farmers have a duty of care to keep land in production. The bill helps protect land that has produced food at any time in the last 10 years. It does not alter the ownership of minerals or underlying titles to various things; they remain vested in states. If the states and the Commonwealth fail to protect food production, this bill gives
farmers the right to step in and protect their land.

The Senate inquiry into this matter revealed that companies had treated farmers very poorly in relation to access—not all companies but some. Some companies are quite clearly giving the rest of the industry a bad name. This is not an issue that is being undertaken in the abstract, and this bill would fix that problem.

We believe that we should also amend the Water Act 2007 to prohibit the licensing of mining and extractive industries where they will have adverse impacts on groundwater resources and the environment. This bill does not address directly those issues, but what we need in the short term is to hold the line, because once this damage is done it cannot be undone. The proposition about amendments to the Water Act was something that I proposed when I was a member of the Senate Environment and Communications Arts Committee that visited some of the communities that are under such enormous stress from industrial encroachment. We were met on the road outside town by farming families who were wearing green T-shirts and carrying bright yellow triangular placards—they had really turned everything on for the committee. It was almost a festival-like atmosphere except when they told us what it was that they were confronting and where various things would go in the landscape. They are really up against it and they need the support of this parliament. It is not going to be good enough to hear the dismissive comment: 'While we support this in principle, we are going to vote against the bill.' I hope that there has been a change of heart since the last time this matter was debated. Coal seam gas directly threatens these farms and Australia's food bowl where our precious groundwater is concealed beneath the surface.

The upstream consequences of permanently ruining the hydrogeology with coal seam gas extraction and the downstream consequences of filtering inland Australia's drinking water through coal mining projects are potentially devastating. We know that state governments are hopelessly compromised by mining royalties and they are not really prepared to face the reality that a large fraction of the coal seam gas in this fertile country will probably need to remain right where it is.

The Commonwealth seems unwilling to break the coal and coal seam gas hypnosis, and I think that was the reason we saw the chamber vote the way it did this morning on our proposal for a moratorium. We must protect the nation's food bowl. We are a net food exporter, and, in an age with the kind of challenges that the world is moving towards in the 21st century, that is a precious thing. That is a service that we provide to people around the world who do not have good quality farming country. They must be scratching their heads wondering how it is that, for a short-term fossil hit, we would compromise these precious groundwater resources in country that we cannot get back once we have ruined it.

We support the actions of farmers to lock their own gates. They know the land. It was something that I was pleased to be able to do, because at that stage it was one of the first actions of locking the gate. A community had locked out BHP and they had maintained a blockade on their country for a very long period of time. They were eventually successful. We know that collectively we are extremely powerful. But people are tired, communities are stretched and they have got a lot of other challenges on their plates. The last thing they need is unregulated and unrestrained expansion of this particular industry on their farming country. We should be listening a lot more
closely to what they tell us. They know their land and they know the way the groundwater behaves in those areas.

As a nation, we are fortunate that these farming families have stepped up into the regulatory void to say that enough is enough. I believe their voice should be amplified, and that is what we are seeking to do this afternoon. It is time to choose between coal seam gas and food, and I know on which side I will be voting when this one is put to the vote.

Senator CORMANN (Western Australia) (16:41): I seek leave to continue my remarks on the Landholders' Right to Refuse (Coal Seam Gas) Bill 2011.

Leave granted.

Senator CORMANN: When we look at an area of public policy such as the use of prime agricultural land, with people expressing concerns about what is unfolding in some parts of our country, it is not a great surprise that the Greens are there to rush forward with an easy solution, a quick fix. Solutions are quick and easy in areas which have defied wiser, more sober heads. In those areas the Greens seem to be able to come up with solutions relatively quickly. Addressing an issue as complex as this with a simple solution—might I say a simplistic solution—is something that the Senate deserves to give close attention to, and that opportunity is presented by this bill.

This bill represents a far-too-ready solution to a problem which is in fact complex, which deserves case-by-case consideration in many instances and which is one that state governments are generally grappling with. As I said in the beginning of my contribution on 22 September 2011, when we last debated this bill, this is ultimately a matter for state governments. It is a state responsibility. Here in the Senate we are the states house and we should be standing up for the rights of the states to take proper control and responsibility for the affairs that are in their areas of constitutional responsibility. The use of land is a primary responsibility of our states and territories, and for the Greens to enter into this place with a simplistic solution again calls into question their commitment—a commitment that has been restated many times in this place—that they have a strong regard for the rights of states and territories to legislate within their own areas of responsibility. This was exhibited only recently in this very place—but I will come back to that issue in a moment.

The coalition does not see any merit in this bill. As I said, this is an issue for state governments, who have accountability to their electors to issue licences for exploration and subsequent exploitation of resources. The fact is that resource companies cannot enter a landowner's property to exploit the minerals and resources on that property without a negotiated or, in the worst case, a land court arbitrated agreement with that landowner. The coalition, and particularly the Leader of the Opposition, Mr Tony Abbott, have made it perfectly clear that within that framework the federal opposition's view is that prime agricultural land must be protected. We will work with state governments to ensure that that objective is reached.

There is clear evidence in Queensland, for example, that many landholders are able to come together sensibly to reach mutually satisfactory arrangements for the future use of their land and that the coexistence of agriculture and resource industry activities is not only possible but is also the norm. The Premier of New South Wales, Barry O'Farrell, and the man who I think is widely expected to be the next Premier of Queensland, Campbell Newman, have addressed this issue very directly. They are both fully seized of the
importance of protecting prime agricultural land and have committed to the objective of ensuring that there is a strong and direct response to the concerns raised by landholders about their land being properly used and its present owners being properly consulted about the way in which that occurs.

At the federal level, the coalition supports the expansion of the coal seam gas industry where that is in harmony with the rights of landholders and the protection of prime agricultural land for food production. I emphasise again that we are not talking about a one-or-the-other response. We are not saying that we either exploit the resources or exploit the land for its food production capability. It is possible to deliver a balanced approach, acknowledging the importance of the mining industry to Australia's future economic sustainability while also acknowledging that Australia has a tremendous asset in its agricultural land. The quality of farm products in Australia is enormously important to Australia's reputation as an exporter and it is critical that we acknowledge and respect the rights of farmers.

The federal opposition supports the work of its state colleagues in delivering a more balanced approach than the approach offered by state Labor governments in recent years. In fact, it needs to be acknowledged directly that the characterisation of this debate as an all-out war between farmers and miners grossly understates the extent of cooperation which has been occurring for a long time in regional and rural Australia. Mining companies, by and large, are well apprised of the values of the communities in which they work. They seek to add value as much as possible to those communities. There are exceptions, of course, and it is important that the potential for agreement making in these areas be enhanced by creating opportunities for those agreements without imposing blanket decisions on parties by legislation introduced in the federal parliament. Canberra is a long way away from many of these communities. The mining industry and the farming community have worked together in Australia in many areas, and both sectors are prospering as a result. There are long-established systems in place which allow miners and farmers to negotiate land access, and there are very few cases where disagreements end up in court.

The Liberal Party and the National Party have a much better understanding of what goes on in rural and regional Australia. We have worked in those communities. We have represented those communities for decades. We understand the pressures they are under and we are working at both the federal and state levels to solve problems in a realistic fashion. I suspect there are many communities around Australia that will not thank the Greens for rushing forward to advise them on how they can solve their problems when the Greens have, as a party, very little connection with those parts of Australia—except when it comes to marching into the local forest to chain themselves to trees to prevent logging or to protest in some other way about activities going on in a rural industry of some sort of another. The Greens are always there to stop economic development, to stop economic opportunity and to stop people making a living but, quite frankly, they are never there when it comes to actually delivering sensible, realistic, sustainable solutions that provide a proper balance between taking a responsible approach to the environment while also pursuing legitimate and appropriate opportunities for economic development for the benefit of all.

As I said, there are numerous examples of farmers and mining companies working cooperatively and negotiating mutually
beneficial outcomes. Development of the coal seam gas industry is not some kind of rampant, uncontrolled exercise which is resulting in the destruction of rural communities; it is a process which is highly regulated. In Queensland, for example, the industry is subject to more than 1,500 state and territory conditions. In fact, the coal seam gas industry is more regulated than the uranium industry. Coal seam gas companies operating in Queensland—and I include among those the Queensland Gas Company and Santos—have shown that they are willing to work with local communities and to carry out the process of exploring and exploiting mineral and gas deposits in good faith. By way of an example, all of the Queensland Gas Company's work on private properties has been done with the express permission of landholders. That might not be a fact that suits the case put forward by the Greens but it is true. It is a fact.

Senator Waters interjecting—

Senator CORMANN: I hear a bit of noise from the crossbenchers—because the Greens cannot handle the fact. In fact, Queensland Gas Company, for example, prefers voluntary agreements and now has more than 800 agreements following negotiations on land access with about 1,000 landholders across that particular state.

The coalition believes that there are some sections of productive land that are of such significance that they should be given additional safeguards. We acknowledge that it is sometimes a necessary step to take but we also acknowledge that, under our federal arrangements, state governments are responsible for both land use and mining. Therefore, we believe, it is a matter for each state government to determine which areas are considered prime agricultural land and for each state to put in place protective measures, where appropriate, in consultation with farmers, rural communities and resource companies. We urge those parties to deal effectively with the issue of the protection of prime agricultural land and to do so as a matter of urgency.

I think it is fair to say that this is an area in which activity is happening in the right direction. We can see it both in Queensland and in New South Wales. The state government in New South Wales is conscious of the need to take steps that make clearer the respective responsibilities and rights of parties on both sides of this debate. The O'Farrell government has certainly taken steps to balance the needs of mining and agriculture in that state. The government there has put in place a moratorium and there are strategic land-use plans to identify and protect productive farmland. Those plans involve communities in local decision making to ensure a sustainable and healthy mining industry and to encourage industry best practice. Obviously the O'Farrell government's arrangements have not been in place for very long, and I think it is quite unreasonable for the Greens to march forward and attempt to overturn the balance that has been struck there by virtue of the legislation that is here before the Senate today. I might also add that the O'Farrell government is developing at the present time a system of stringent groundwater regulation. They are reviewing fracking standards and they are reviewing access arrangements. This is very much a matter under close consideration by governments such as the New South Wales government and, I believe, after Saturday, the incoming Queensland government.

I mentioned before that the Liberal-National Party in Queensland has also taken steps to show that it is addressing this issue, even though it is not yet in government. It has published a discussion paper that notes the importance of gas to the Queensland
economy and raises a number of issues that have not been addressed by the Bligh Labor government, including the depletion of underground water, the issue of land access, the location of coal seam gas infrastructure close to dwellings and the increasing pressure on inadequate existing infrastructure. With steps such as that the Liberal-National Party in Queensland is very well placed to provide the people of Queensland with a better and more balanced approach than that achieved by the knee-jerk reactions to this problem of the Bligh government.

I have been in this place for just five years but I have already heard many lectures in that short time from the Greens about the need to play close attention to what committees in this place do, and to listen to what the committees say before making decisions, yet on this occasion it does not appear that the Greens are prepared to follow their own advice. On 13 November last year, the Senate Rural Affairs and Transport Legislation Committee issued an interim report on the impact of mining coal seam gas on the management of the Murray-Darling Basin. It made 18 recommendations reflecting the deep complexity of the issues surrounding the extraction of coal seam gas. It also, very properly, recognised that the great majority of the issues are within the province of the states and, to the extent that national solutions may be indicated, the complexity of jurisdictional interests and responsibilities that will arise. There was no recommendation whatsoever for the hijacking of unilateral and, frankly, simpleminded legislation such as this bill proposed by the Greens.

I also take exception to the characterisation by the Greens of coal seam gas itself. At various stages some Greens have referred to it as a 'dirty energy' when, in fact, coal seam gas is significantly cleaner in terms of greenhouse emissions than many other alternative fossil fuels. Senator Furner in his contribution last year referred to it as being 70 per cent less productive of emissions than other forms of fossil fuels. I have no reason to doubt the statistics that he used in his contribution to the debate.

I am about to run out of time, but let me conclude by saying that the Senate should soundly reject this half-baked proposal from the Greens today and allow other processes to deal with these complex but important issues.

Senator THISTLETHWAITE (New South Wales) (16:55): I oppose the Landholders' Right to Refuse (Coal Seam Gas) Bill 2011. Whilst I do not dispute the environmental concerns held by the Greens or others, the veracity of those concerns or, indeed, the passion in which they are held, I believe that this bill is an unreasonable use of this parliament's powers. It is clearly enunciated in section 51 of our Constitution that encroaching on land-use powers, in the area of law-making, is ordinarily the domain of state governments. The Commonwealth, consistent with its powers enunciated in the Constitution, has a sensible and reasonable environmental protection regime that ensures stringent environmental impact assessment processes, appropriate natural protection safeguards and disallowance measures to ensure that coal seam gas cannot be extracted in circumstances which would produce environmentally damaging outcomes.

Coal seam gas is a longstanding source of energy in Australia. In the eastern states, approximately 33 per cent of gas production is through coal seam gas. For Queensland, 90 per cent of gas produced is through coal seam gas extraction. My view is that, as we move to a clean energy future, coal seam gas plays an important role as a transition fuel to that clean energy future. I accept the view that, in the long term, coal seam gas should
not be our aim for the production of energy in this country. In the longer term, renewables must be our aim. That is the focus of the government's clean energy future. But, in the interim, coal seam gas plays an important role as a transition fuel to get us to that renewable energy future.

The facts are that coal seam gas is a damn sight cleaner than burning fossil fuels, particularly coal, and it is the only alternative fuel source at the moment that is capable of powering a baseload power station in Australia or, for that matter, a peaking plant. This issue highlights the fact quite clearly that the Labor government 'gets it' in terms of a transition to a clean energy future. We support a transition that ensures our economy and our jobs continue to grow and that, at the same time, we make the transition to a clean energy future. We believe that coal seam gas plays a part in that transition. In our view, this bill would make that transition a hell of a lot harder and, importantly, more costly, not only for businesses but also for Australian households. We believe that we can make a transition to a clean energy future and that we can grow our economy, grow jobs and grow investment, but that will take time. It is not going to happen overnight. To ensure a smooth transition and to iron out the bumps in the road to a clean energy future, we believe that coal seam gas plays an important part. To agree with this bill would send the wrong message to an economy in transition, to business in transition and to households in transition when it comes to jobs and promoting growth in our economy as we move down that path to a clean energy future.

It would make it harder to explore, invest and extract a fuel that will get us to the ultimate path of a renewable energy future in this country. Importantly, were Labor to support this bill it would be inconsistent with the approach that we have taken to this very important public policy issue. We have consistently said that we will move to a clean energy future whilst at the same time growing our economy, growing jobs and providing support for businesses and households to make that transition. An important element of our economy in making that transition is support for continuing this industry.

In terms of the environmental issues, I believe that the focus of the bill exemplifies its faults. Under this bill the Commonwealth would have the power to apply penalties to any constitutional corporation if it undertakes any activity to explore for or produce coal seam gas on food-producing land without prior written authorisation of anyone who has an ownership interest in the land. I understand the importance of food-producing land for this country, and the focus of Commonwealth laws should be on the protection of the environment through appropriate safeguards and approvals consistent with our Constitution. But, importantly, this applies on any land—not simply food-producing land—which is the ambit of this legislation.

Under the current federal environment protection regime that is exactly what occurs. Under the Environment Protection and Biodiversity Conservation Act, the Commonwealth has the power, consistent with the Constitution, to assess these projects and to assess environmental concerns. Proposals that have been assessed by the Commonwealth have only been allowed to proceed after careful consideration of the potential groundwater impacts. The Minister for Sustainability, the Environment, Water, Population and Communities, Minister Burke, has approved three coal seam gas projects.

In his decisions, the minister imposed around 300 conditions on each project to
protect the environment and water resources while providing for the continued
development of this industry. This act and its
decisions build on the 1,200 conditions that
were imposed by the Queensland
government in respect of the three projects
that were approved under the EPBC Act.
Collectively, they were aimed at addressing
the cumulative impacts of multiple projects
in terms of community sustainability,
regional development and environmental
outcomes.

The approval process for coal seam gas
projects requires the projects to undertake
detailed planning and monitoring to ensure
the potential impacts on springs, ecological
communities or groundwater resources are
detected long before they exceed critical
thresholds; to develop a timetable for the
submission of management plans for
aquifers, groundwater and surface water
approval; to maintain groundwater pressure
in aquifers above a conservative threshold;
and to have plans for measures to re-
establish pressure if it falls below these
thresholds. They have to develop pilots for
aquifer reinjection and water treatment
programs to ensure that any water to be
reinjected is of suitable quality. There are
protections in place to ensure that under
appropriate Commonwealth laws these
projects undertake proper assessment and
proceed with stringent environmental
protections in place.

Also, the Commonwealth has recognised
that there is a degree of concern within the
community regarding this issue. It has
become a hot topic. In that respect, the
Commonwealth has established a land access
working group. Although the
Commonwealth does not have the power
to regulate when it comes to land use
management issues, the Standing Council on
Resources and Energy and the minister have
been working with state governments to
facilitate a discussion regarding a uniform
approach to the regulation of the industry.

That is the appropriate approach to take,
in my view, regarding this issue. It is the
domain of the states, and it is appropriate for
the Commonwealth, recognising the
concerns of the community, to work with
those states on a uniform planning and
assessment regime at the state level. So the
claims that the government has ignored the
concerns of the community on this issue are
wrong. The government has acted within its
ambit enshrined in the Constitution to ensure
that it is working with the states, who have
the appropriate control and law-making
powers when it comes to this issue. This is a
measured, appropriate approach which
recognises our constitutional constraints but
which complements the processes of the
Environmental Planning and Assessment
Act.

 Coal seam gas extraction has been
occurring for decades. It is an important
industry for our economy. One of the issues
associated with this is the fact that the state
governments, which do have control and
powers when it comes to law-making in this
area, have reacted and enacted regimes
which ensure appropriate controls are in
place. The Queensland government has acted
and the New South Wales government has
acted. They have put in place a series of
control measures to ensure appropriate
development.

Queensland has introduced a strategic
cropping land policy framework which aims
to provide a balance between protecting
prime agricultural land while allowing for
the development of a coal seam gas industry.
The Queensland Premier has also announced
that coal seam gas and mining activities will
not be permitted within two kilometres of
population centres of over 1,000 people. The
Queensland government has also developed
a code of conduct for the industry which focuses on managing any impacts on land and water resources and landholders' activities. In addition, the Queensland government has formed a coal seam gas enforcement unit made up of environmental and groundwater experts, petroleum and gas safety specialists and staff specialising in land access issues. The unit is, importantly, based in local communities and acts as a centre point for contact for safety, land access and environmental concerns. That is what the Queensland government is doing.

In New South Wales, the New South Wales Liberal government has announced new policies to provide for the effective regulation of the coal seam gas industry. They include: a ban on the use of BTEX chemicals; requiring proponents to hold a water access licence if they extract more than three megalitres per year from groundwater; a ban on the use of evaporation ponds relating to coal seam gas; and requiring all new applications for mining or petroleum projects to submit an agriculture impact statement and a strategic regional land use policy. This policy and this approach by the Liberal government in New South Wales will provide greater certainty for the development of the coal seam gas industry in New South Wales. I note that the New South Wales upper house is also holding a parliamentary inquiry into the issue in New South Wales to examine the sustainability of the coal seam gas industry. In my view that is an entirely appropriate approach because it is within the remit of the states, who have the power to make laws with respect to land use management, to make these reforms. It is not, in my view, within the remit of the Commonwealth, which does not have the power under our Constitution to make laws with respect to land use management, to be encroaching on this area traditionally undertaken by the states. I have never been a big states'-righter, I must say, but on this particular issue I believe that it is appropriate—

Senator Farrell interjecting—

Senator THISTLETHWAITE: I certainly do represent them, but I suppose I take a pragmatic approach, Senator Farrell, when it comes to these issues, and I believe that on this particular issue in this particular area of policy it is entirely appropriate for the states to make the laws with respect to land use management and for the Commonwealth's remit to be associated with environmental issues and the EPBC Act.

The debate concerning this issue has produced some unusual ironies. Some of the coalitions that have been formed in respect of this issue and the debate that has been occurring in the wider community are somewhat ironic. To see the Greens hand in hand with the farming community and the likes of Alan Jones and Bob Katter is incredibly ironic, particularly given the fact that Bob Katter, as a former mines minister under the Ahern government, in 1989 brought into the parliament the actual laws that are now being used by the coal seam gas companies to extract and explore for coal seam gas in Queensland. So here we have Bob Katter as part of the Lock the Gate coalition now campaigning against coal seam gas, but back in 1989 Bob Katter was the one that opened the gate to coal seam gas exploration and extraction in Queensland—a somewhat ironic situation which highlights the somewhat bizarre nature of the public debate that has been occurring in respect of this particular issue in our nation.

I draw my comments to a conclusion by once again stating that I appreciate the concerns of the green movement on this issue.

Senator Heffernan: With your indulgence, Mr Acting Deputy President, on
a point of order: I was just wondering what all politicians of all persuasions are going to do about the 20 million tonnes of salt that is going to be produced.

The ACTING DEPUTY PRESIDENT (Senator Cameron): That is not a point of order, Senator Heffernan.

Senator Heffernan: You don't have the answer and no-one has the answer.

Senator THISTLETHWAITE: Perhaps, Senator Heffernan, you will be voting with the Greens on this bill given your concerns regarding the issue. We will wait and see. But I reiterate my points earlier made. It is in my view inappropriate for the Commonwealth to be passing these laws, which apply only to corporations but would allow, were this law passed, cooperatives, sole traders and partnerships to continue to extract and mine coal seam gas on land. This law would apply only to corporations. It is an area of lawmaking that is traditionally within the ambit of the states, and I believe it would be inappropriate for the Commonwealth to be passing these laws and encroaching on that ambit, particularly in the context of the fact that, when we are talking about environmental protection, the Commonwealth has in place a stringent process for the approval of these projects and, importantly, disallowance measures where the relevant minister believes that the safeguards in terms of environmental assessment have not been met and there will potentially be damage to the environment. On that basis I do not support the bill and I urge the Senate to reject the bill.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (17:13): I am in a similar position to Senator Thistlethwaite, and I should perhaps clarify my interjection there earlier. I understand he is not an advocate of state rights but is a very great advocate for his state, which is the—

Senator Sterle interjecting—

Senator FARRELL: You are an advocate for state rights, Senator Sterle? Okay. We are obviously divided on this issue in the Labor Party.

Senator Polley interjecting—

Senator FARRELL: We have Senator Polley here; she is saying she loves her state. I am sure Senator Cash loves her state as well.

Senator Sterle: Yes, but does her state love her?

Senator FARRELL: They did vote for her, and that is fair enough. But that is not the subject matter before us; it may be a debate for another time. We are here today to discuss this bill from the Greens, the Landholders' Right to Refuse (Coal Seam Gas) Bill 2011. It is important to put coal seam gas in the context of its importance to the community and to people whose livelihood depends on it but, more particularly, in the broader context of what the federal government is seeking to do in reducing our carbon footprint. Coal seam gas is an absolutely vital ingredient to that whole process. As you know, Mr Acting Deputy President Cameron, we have introduced our bill to reduce carbon pollution, but there are many more things that we need to do as a government, as a society and as a country to reduce our carbon footprint, and coal seam gas is going to be absolutely vital in that process.

At the moment, coal seam gas accounts for about 33 per cent of the domestic gas production along the east coast of Australia. In fact, when you look at Queensland, 90 per cent of the gas used in that state comes from coal seam gas. Coal seam gas already powers several domestic electrical generation
projects in Queensland including Origin Energy's Darling Downs Power Station and the Braemar 2 Power Station. State governments have a twofold policy when it comes to coal seam gas: firstly, to ensure the appropriate compensation of landholders for access and use of their land and, secondly, to ensure that coal seam gas is exploited on behalf of its citizens by unlocking an important transition fuel to provide a source of employment and export income and to generate a long-term revenue source through royalties and rents. If this bill were to pass the Senate today, it would turn its back on that second objective by shifting the state based system, which seeks to ensure proper, if necessary judicially determined, compensation for affected landholders, to a Commonwealth imposed system transferring all powers to the rights, no matter how insignificant, of the landowners.

Coal seam gas exploration is a big opportunity for Australia. We hear about the mining boom, but coal seam gas is part of a much broader development of our resources. Since October 2010, investment decisions in the Queensland coal seam gas to liquid natural gas industry total around $45 billion. That is a very significant amount of money and a very significant amount of investment, and it is creating jobs and opportunities in Queensland. This industry will create jobs, especially in regional communities, and it provides opportunities for Indigenous Australians to seek work in this type of industry. Of course, it also boosts the economy not only of the state but of the Commonwealth. With the recently introduced mining tax, the Australian government is now seeking to distribute the benefits of the mining boom more broadly than to those industries associated with the mining industry. It is a very good project.

Senator Cash interjecting—

Senator Farrell: It is a very good piece of legislation, Senator Cash.

Senator Cash interjecting—

The Acting Deputy President (Senator Cameron): Order! Senator Farrell, ignore the interjections.

Senator Farrell: I would like to ignore the interjections, Mr Acting Deputy President. It is very hard to do so in the case of Senator Cash because of the volume of her voice. I did once call it something else and she got upset, so I will not repeat that.

Senator Sterle interjecting—

Senator Farrell: I will tell you privately, Senator Sterle. The coal seam gas industry creates jobs and creates opportunities, but, more importantly, both the state of Queensland and the federal government get benefits out of it. The process that Queensland is using to convert the coal seam gas to LNG provides for a much cleaner source of fuel than coal fired power. As I understand, it produces the same amount of heat but does not have the same carbon impact that coal does. In our attempts to reduce our carbon footprint, coal seam gas converted to liquid gas is going to be a very important part of that.

In terms of the role of the federal government, we have been actively involved in the approvals process for all of these developments. They have not happened overnight and they have not happened without the active interest of the federal government, in particular Minister Burke, who has responsibility for this area. Presently, the federal government have certain environmental responsibility if a project or activity has a potential to impact on matters of national environmental significance as defined under the Environment Protection and Biodiversity Conservation Act 1999 and the Water Act 2007. Proposals assessed by the
Commonwealth have been allowed to proceed only after careful consideration of the potential groundwater impacts. There is a mechanism in place under the two pieces of legislation that I have just mentioned to make an assessment of the environmental impact on groundwater, which is what the federal minister has been doing. Minister Burke has approved three developments, three coal seam gas to LNG gas projects, and has imposed about 300 conditions on those projects. It is a very significant number of conditions, all dealing with applying the environmental responsibilities of the federal government. The aim of those conditions is to ensure and protect the environment and the water resources but, at the same time, to try to progress an industry which we see as being of great benefit in this challenge of changing climates and all the problems we have as a nation and as a world in dealing with the issue of carbon pollution.

The EPBC Act decisions built on 1,200 conditions that the Queensland government imposed, a very good government.

 Senator Cash: Not for long.

 Senator FARRELL: They will be comfortably re-elected. You laugh, Senator Cash—

 Senator Cash: I do at that.

 Senator FARRELL: But I can recall the last election when the Liberals and Nationals—I cannot remember whether they were a united party back then—

 Senator Sterle: They're still not now.

 Senator FARRELL: No, I suppose that is true. There are significant divisions.

 Senator Sterle: I reckon they should do it in WA.

 The ACTING DEPUTY PRESIDENT: Order! Senator Farrell has the call.

 Senator FARRELL: Thank you for that protection, Mr Acting Deputy President; I need it. The EPBC Act did build on those very stringent conditions that were applied by the Queensland government and added to all the regulations that are required by all of these companies which would wish to develop these resources, and when you total them there are 1,500 conditions that they have to meet. These conditions are aimed at addressing the cumulative impacts of multiple projects in terms of community sustainability, regional development and environmental outcomes.

 Minister Burke's approval of three coal seam gas projects in Queensland requires the projects: firstly, to undertake detailed planning and monitoring to ensure any potential impact on springs, ecological communities or groundwater resources is detected long before they exceed any critical thresholds; secondly, to develop a timetable for the submission of management plans for aquifers, groundwater and surface water for approval; thirdly, to maintain groundwater pressure in aquifers above conservative thresholds and plan measures to re-establish pressure if it falls below these thresholds; fourthly, to develop pilots for aquifer reinjection and water treatment programs to ensure that any water to be reinjected is of a suitable quality; and, finally, to cooperate with other coal seam gas proponents and the Queensland Water Commission in the development of a regional model for the ongoing assessment of the potential impacts of coal seam gas production on groundwater. All of those five conditions have been imposed by Minister Burke on these projects and are all designed to get the absolute best environmental outcome while allowing the projects to proceed.

 In addition to the things I have just mentioned, the minister has established an expert panel of academics and industry experts to provide advice on groundwater related matters and the adequacy of the water
management plans which the companies must submit under the project approvals. An interim committee has been set up pending the formal establishment of the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development. In fact, just today, Mr Burke has introduced legislation into the other house to set up that independent agency as a statutory body.

In terms of the projects that have been approved in Queensland under the water management provisions, Minister Burke's conditions stipulate that the companies must test and monitor every relevant aquifer to verify whether or not they are hydraulically connected. The companies have to submit detailed water management plans and monitoring regimes to avoid or minimise the impacts of groundwater and surface water, and these plans are subject to rigorous assessment by an expert scientific panel. On 10 September 2010 Minister Burke released an independent expert report on the impacts of the coal seam gas operation in South-East Queensland on surface water and on groundwater. I will focus on groundwater for a moment, because that is an important area when it comes to the consideration of these coal seam gas projects. Work is currently underway to better understand the cumulative impacts of multiple coal seam gas developments on groundwater resources. This has been a matter for some public issues and consideration, and that work is currently underway.

The government has also committed $1.5 million to the Namoi Catchment Water Study looking at the potential impacts of proposed coal mining and coal seam gas extraction on the region's water sources in the Liverpool Plains. Mr Acting Deputy President Bishop, I am sure you are very familiar with this study. In addition the Department of Resources, Energy and Tourism sought and received advice from Geoscience Australia on phase 2 of the Namoi Catchment Water Study that included data collection, data analysis and model conceptualisation for the Namoi catchment.

I turn to the work that the CSIRO have been doing in this area. They are working on a range of research projects to enhance the characterisation, production and stimulation of coal seam gas, and address the environmental impact of coal seam gas production. In July 2011 the CSIRO and the Australian Pacific LNG founded the Gas Industry Social and Environmental Research Alliance to undertake research in five key social and environmental areas: groundwater, surface water, biodiversity, land management, the marine environment and socioeconomic impacts. The CSIRO and the Australian Pacific LNG have provided initial seed funding totalling $14 million over the next five years for the alliance to undertake this research into the Queensland coal seam gas industry. The alliance has been established with a robust governance framework designed to ensure the delivery of quality, peer reviewed and publicly available science for the benefit of the industry, government and the community.

In addition to what the minister has done and CSIRO is doing in this area, the Australian government has an interest in land use changes, particularly those that affect our agricultural industries in food production. As you would be aware from your background, Mr Acting Deputy President Bishop, decision making with regard to land use and planning ultimately rests with the state and territory governments. A number of states already have policies which protect prime agricultural land, and some states are addressing community concerns by developing such policies. The Australian government is very confident that mining and farming communities can coexist as they have done in Australia for a very long time.
This should not be any different for coal seam gas. It is fair to say that to date mining and urban expansions have not threatened Australia's food security. We are in the good position of having food security in this country.

Senator STERLE (Western Australia) (17:34): It is always a delight to follow Parliamentary Secretary Farrell, especially as he has a wide and vast knowledge of water issues. I listened intently to every word of his speech. I rise to make my contribution to the Landholders Right to Refuse (Coal Seam Gas) Bill 2011. But before I do I would like to say that it is a pleasure to contribute to these debates, particularly on mining. I come from a mining state—as you do, Mr Acting Deputy President Bishop—and know that while mining has its challenges it also has its rewards. It is great to come from a state that has these resources. We know when times are quiet or difficult every industry has its challenges, but it would be wrong to think that mining is the only thing that Australia is about. It is not; Australia has a very proud history of numerous other industries, particularly agriculture.

For colleagues from states that do not have offshore or onshore oil and gas activity, it probably would be a strange and difficult industry to grasp, so I would like to share some experiences. As Mr Acting Deputy President Bishop and I are both well aware, there are benefits for our economy, investment and jobs in Western Australia from the gas industry. We do not have coal seam gas production at this stage, which is not to say that we do not have the opportunity to explore, discover and extract any form of gas—whether it be coal seam, CNG, LNG or shale. I have been involved in some way, shape or form with the LNG industry from the first time I took a load of furniture to Woodside's offices on the Burrup Peninsula at Hearsons Cove back in 1984. Like Mr Acting Deputy President Bishop, I interact with a lot of Western Australians who are employed by our gas industry there. I also had the opportunity late last year, as the deputy chair and a long-time member of the Senate Standing Committee on Rural, Regional Affairs and Transport—that is right, the RRAT committee—to look into the coal seam gas industry in western Queensland. On that inquiry I had the privilege of being joined by Senator Waters, who has put up this bill, Senator Heffernan, Senator Edwards and—how could I forget?—Senator Joyce. We visited Brisbane, but we also went out to Roma and Dalby in western Queensland, where we had community meetings and site visits. We were hosted by some farmers. We went out to see coal seam gas wells on their properties and then we had town hall meetings which were very well attended by the communities—some 70 or 80 people in each town. I must admit that the feeling towards the coal seam gas industry by those attending these hearings was anything but warm and friendly. We had to decipher what the heck was really going on.

What we did discover was that the coal seam gas industry in Queensland is not new. I will stand corrected if I am wrong, but I am led to believe that Santos has been extracting coal seam gas for about 40 years in Queensland. Senator Heffernan is indicating it is a little less. It is not a new industry to Queensland, but what we have seen is a massive boost of pipeline investment of about $45 billion. We spoke to coal seam gas employees, industry representatives, farmers and shopkeepers. Coming from WA, I know the challenges that are faced when mining companies come into a town to explore, develop and then process. It can be quite a shock to some people. What I took away from this visit was that there are about 2,700 properties in Queensland that have coal seam
gas exploration or wells on their properties. I was led to believe quite clearly that about half were quite happy—there had been some form of negotiation which was a secret that they are not allowed to talk about but they get paid a certain amount of money to have a coal seam gas well on their property—and that the other half were not happy to have coal seam gas wells on their land. To decipher why is always a challenge—they will probably take me to task on this—but I worked it out that some were happy and some are not.

There are other issues that came into it. In Roma we were accompanied by the hardworking member there, Mr Bruce Scott, and he spoke very highly of the industry on his patch and what it has delivered to the towns that he represents in the federal parliament. In Roma, like any town in north-west WA, there is a mix of local businesses—except we do not have an agricultural industry up there in north-west WA—and a lot of fluorescent vests and a lot of steel capped boots. I asked people as we were travelling whether we would see the number of shops open in these communities if there wasn't a gas industry. What I took away, and Senator Heffernan might argue with this, was that—and I go through the Great Southern to our wheat-growing areas down in Western Australia—it was pitifully sad to see shops boarded up. We have only had drought for the last two years whereas New South Wales had nine years before it broke—and didn't it break! But we did see the benefits of the industry. We took evidence that there were quite a few people who had profited—their small businesses had become buoyant and they were able to employ people. There is also an opportunity—and it is an argument for WA as well—for local people to stay in the region. From my side of the country, that is a very big thing, and it was at the forefront of our travels through Queensland.

With the coal seam gas to LNG industry in Queensland—the $45 billion pipeline investment—I know that Australia is now the fourth largest exporter of LNG. On my side of the country and yours, Mr Acting Deputy President—and you and I have both had input through Gorgon, the Wheatstone announcement and, fingers crossed, the Browse Basin project by Woodside and its partners off the coast of Broome, if it goes ahead—these projects not only will increase our GDP, productivity and our economy but also could possibly put us at No.2 in the world for the production and export of a much cleaner fuel supply than coal. I certainly have my fingers crossed, because I hope that, with the blessing of the majority—and I stress the majority—of the traditional owners in the Kimberley, the Browse Basin project will proceed. Senator Siewert will probably remind me on the way out that there was not 100 per cent agreement. I thought I would get in first, because I felt that something was going to be said pretty soon.

Coming back to the coal seam gas industry in Queensland, I know that it has put quite a few people off. There was a lot of debate around intrusion upon land. It would be wrong if I did not acknowledge that we did hear some stories. I do not put it down to coal seam gas; I put it down to very poor public relations and the practices of one or two of the gas companies. I fully support that, if you are going onto someone's land, you should have the decency to introduce yourself, make sure the gates are shut and behave in a way you would expect—

Senator Heffernan interjecting—

Senator STERLE: I am having a giggle with Senator Heffernan. In fact, I would love to hear Senator Heffernan have his five
minutes worth. Senator Heffernan will probably have his opportunity in the adjournment debate. If he does get an opportunity to speak, would he please flick me an email and I will make sure I am in the chamber to hear it?

Getting back to what I was saying, it is inexcusable for people to behave in the ways we heard in Queensland. We did go and visit a number of sites. We had a look at the size of the wells. Let us not pussyfoot around: one is led to believe that the wells are only a tiny intrusion on the land—I think we were told they were about 20 metres by 20 metres—but when you see the swathe of cleared land between the wells you understand it is a lot greater than I had envisaged it to be. But I have to come back to why we are in a world where we continually argue about the level of concern around climate change and greenhouse gas emissions. It is very, very hard to argue against it. We do have to explore every opportunity to seek a cleaner source of energy and there is absolutely no doubt in my mind that CNG to LNG is the way to go for Australia. We have vast amounts of this resource in our country and we are right to extract it, to treat our communities with dignity and to bring the Australian economy along with us, whether it be in the agricultural areas or offshore.

I am in full support of the coal seam gas industry. I have said that on the record on a number of occasions and I continue to say it now. But I come back to the coal seam gas in Queensland. I did say that it is a longstanding energy source. I would like to put on the record that I have figures that tell me that 33 per cent of the eastern states' domestic gas production is coal seam gas, and 90 per cent of the gas used in Queensland comes from coal seam gas.

I am also very well aware of the bill. The bill wants the Commonwealth to have the full rights to the development of coal seam gas fields, but I cannot support that. I cannot support the states being overridden on that. I do not support the bill. There was a lot of conversation around the loss of prime agricultural land, and I know that a large swathe of Senator Waters's bill is concerned with what happens on prime agricultural land.

Senator Heffernan: No-one has defined prime agricultural land!

Senator STERLE: I also know that when we were in Queensland everyone we spoke to saw that part of the world as prime agricultural land. Then again, we have evidence from other people who said that it was not the best agricultural land around. We also heard evidence—and I am sure that Senator Heffernan or Senator Waters will correct me if I am wrong—that these coal seam gas wells were potentially threatening the life of the Great Artesian Basin. That was put to us. A number of arguments were put to us saying, 'What the heck is going to happen to our water?' We also heard a number of times, 'What happens if we poison the aquifers?' and I think that is a very fair question.

I also know that there are vast concerns—and I would not stand here and lie about it because I have no need to—about the salt that is left, which we saw. We went out and we saw that. But then we came back to Canberra and we had a presentation from a mob—and I cannot remember the name, and I apologise—about what they could do with the salt.

Senator Heffernan: Penrose.

Senator STERLE: Penrose, thank you, Senator Heffernan. They believe that the leftover salt could be a viable industry. They need to prove that to us, but that is what they said. But if you sit back and listen to certain
groups of activists against the coal seam gas industry—one comes to mind, and I normally get this wrong: is it Shut the Gate—

Senator Siewert: Lock the Gate.

Senator STERLE: Lock the Gate is headed up by a gentleman by the name of Drew Hutton—am I right?

Senator Waters: Yes.

Senator STERLE: Thank you, Senator Waters. I think that gentleman also was a founder of the Greens in Queensland. Mr Hutton attended all three hearings. He was out in Dalby and in Roma and he came into Brisbane. He gave evidence. He was passionate and is leading the charge for blocking all coal seam gas exploration and development on farming land in the area.

But the sad part is that he also got himself in a little bit of a pickle when he turned his back on the development of best practice regulation and an article reported that ‘the bill ignores the reports that they do not like or, as in the case of Mr Hutton, they simply falsify’—these are the ones against—‘the facts to suit their predetermined conclusions’.

It is such a help for us on our RRAT committee. I think it is a committee that works extremely hard. We value our witnesses that make an effort to come to us to give evidence. Most of our witnesses who come to us are traditionally people in rural and regional Australia and we are talking to people at the coalface and we should be very proud of that fact. But it is very, very disturbing when someone who heads such an out-there, very active lobby group against coal seam gas is falsifying facts to suit predetermined conclusions. If anyone is listening to me out there and thinks, ‘What is he going on about?’ I would encourage them to grab a pen and a piece of paper and write down:


claims and then see for themselves. That does not help the argument. I had never paid any attention to coal seam gas and all of a sudden I heard that some movie had come out called Gasland and everyone got the horrors with the coal seam gas industry even though it has been around for 40 years.

Then again, I come from Western Australia. How many times do we see the opportunity for vast investment in our state to deliver not only growth and investment but also jobs, and then all of a sudden someone will pop up who does not like it and we will hear some of the most absurd claims. If some are true, they need to be proved. But, unfortunately, when they come from the lobby against mining the truth gets thrown out the window. We used to play Chinese whispers at school, but this is not done through whispers; it is out there. We see all sorts of nonsense and hear ridiculous claims about what it is going to do the environment or to our health, then we have mining companies—most of the time, or some of the time: you decide yourself—all of a sudden being guilty, then having to sort out the facts. And none can be more in your face. In Western Australia it is not about coal seam gas, as I was saying, but I fear it is happening up in Broome.

I understand as much as anyone who wants to protect and save the pristine and rugged beauty of the Kimberley, and if there is something that is environmentally destructive I will be lying across the road with them. But when I go into Broome I see signs with the name of a company—and it is no secret, it is Woodside; Dr Eggleston knows that and so do you, Mr Acting Deputy President Bishop. And then these signs have an 'equals' sign, the two-fingers sign you gave to me, and the word 'genocide', so they are saying 'Woodside equals genocide'. These are not traditional owners using this language; they are white people. I do not
know if they are born and bred in Broome, nor do you have to be, or if they are residents of Broome. But this is the sort of rubbish that is being peddled by the environmental movements. I have respect for environmentalists who genuinely have a concern for the environment. But when it is the same 'usual suspects' that use the most vile language to destroy reputable companies that pay reputable wages and have reputable investments and reputable training for Australians I get very p'd off.

Senator WATERS (Queensland) (17:54): I rise to conclude the debate on my Landholders' Right to Refuse (Coal Seam Gas) Bill 2012. I would like to start by thanking Tony Abbott for the original inspiration of this bill. I may not get the chance to do that in the next 5½ years that I have in this place, hopefully more. He said six months ago that he thought farmers should have the right to say no to coal seam gas, and we thought: 'Great! Finally someone is listening to the concerns of the community. Let's get this bill in and try to get it through the parliament to give landholders the right to say no.' Unfortunately, it was a pretty short-lived approach by Mr Abbott—the next day he changed his mind and said, 'Mining company should respect the rights of farmers.' Well, farmers do not have any. That is why we need this bill to give them some. It has all been downhill from then on with Mr Abbott and the LNP. And I note with great disappointment, but perhaps no surprise, that we do not have any members here of the Nationals, who profess to care about coal seam gas when they are out in the bush but when it comes to putting bums on seats in this place to vote against coal seam gas they are never here.

Senator Ronaldson: That's a cheap shot!

Senator WATERS: It may well be a cheap shot, but where are they on this issue? They continue to vote against standing up for the community on coal seam gas. I think people should be fully aware of that, particularly when they vote on Saturday.

There are a litany of problems with coal seam gas, which is why the Greens have opposed it from the outset. There are the problems with the long-term damage to our aquifers. There are the problems with the vast amounts of salt that are produced. There is the fact that it will affect our food productivity and export ability into the future. And then there are the false claims made about how supposedly clean it is and how great it is for the climate, without a shred of independent Australian evidence that actually looks at coal seam gas. So we have massive environmental concerns and there are also huge social issues because of the fact that farmers and other landholders have no rights to say no to coal seam gas. That is precisely why the Greens and the community want a moratorium on coal seam gas until we have a better grasp on what this industry is doing to our land and to our water and to our climate and to our reef, for that matter, which is being dug up for coal seam gas exports.

The rest of the parliament does not want a moratorium on coal seam gas. Twice now they have voted down motions that I have put for a moratorium on coal seam gas, blocking their ears to the 67 per cent of Australians who do want a moratorium on coal seam gas until we know whether it is safe. I think that is a very reasonable position and it is consistent with the precautionary principle, which we supposedly have on our law books but that everyone always ignores.

I have other bills before this place to try and address the problems with coal seam gas. One is to give some power to the
environment minister to better protect water from coal seam gas, and we have just had a Senate committee recommend against supporting that bill. This bill we are debating is specifically directed to protecting landholder rights and allowing farmers the right to say no. It does not purport to solve all of the environmental problems with coal seam gas; I have other legislation which does that. But with this bill the whole point is to allow food-producing landholders to say no to coal seam gas. When authorities like the National Water Commission and the CSIRO are both saying we do not understand the long-term impacts of this industry, why should we be taking the risk with what precious little food-producing land we have in this dry country? Why shouldn't farmers be able to say that they do not want to take the risk with their land and that they want to give the opportunity to their kids to keep producing the food that we all rely on? That is precisely what this bill would do.

I have heard some very spurious reasons from the other parties on both sides of politics as to why they do not back this bill. There have been some constitutional claims which are just nonsense. There have been some claims that the state laws are somehow properly regulating this industry. I wish they were, but, unfortunately, they are not. You just have to look at the evidence. In Queensland landholders cannot say no to coal seam gas; they have no right to do that. All they have is 28 days to negotiate an agreement with a big coal seam gas multinational corporation, and if they cannot reach agreement after 28 days they end up in court and the companies can still come onto their land anyway. So there is absolutely no equality of bargaining power there and no right ultimately to say no.

The strategic cropping land laws that were brought in by the state Labor government late last year do not stop coal seam gas either. They wrongly say that coal seam gas does not permanently alienate the land. That is not what the CSIRO and the National Water Commission think, and it is not what the Greens think either. The LNP are, very sadly, no better. They want to stop coal seam gas in the Scenic Rim, and we welcome that, but what about the rest of Queensland? What about the rest of the country, for that matter? They have proposed a gasfield land and water commission to develop a better land access agreement. Well, the best land access agreement is one that says farmers can say no, and that is what this bill does. That is why the many communities across the state—in the bush, but also in the cities, because we have had concern expressed about coal seam gas right across the state and the country—are going to vote for the Greens. They know that we are opposed to seam gas and that we are for protecting our water, protecting our food-producing ability, protecting our climate and protecting our reef.

It is a disappointment to me that I only had five minutes today to speak on these issues. I look forward to continuing my remarks when we next have the chance to discuss this bill. In the meantime, if people want action on coal seam gas they will be voting Greens on Saturday.

Debate interrupted.

**DOCUMENTS**

**Livestock Exports**

Debate resumed on the motion:

That the Senate take note of the document.

**Senator BACK** (Western Australia) (18:00): I rise with pleasure to comment on the report, under the Australian Meat and Livestock Industry Act, on livestock mortalities during export by sea during the period January to June 2011. I will also comment, if I may, Mr Acting Deputy
President, on the report for the period July to December of 2011. I will deal with both reports in the one five-minute period. I want to record the wonderful survival and arrival percentages for both cattle and sheep in that 12-month period. With 397,000 cattle in January to June and 320,000 cattle in July to December, there was a mortality rate of only 0.15 per cent. In other words, the safe arrival rate was 1,499 out of every 1,500 animals, which is an incredible result that should be recorded and celebrated. To put it into perspective, that is a far lower mortality rate than would exist on farms in Australia. The figures for sheep were 0.62 of one per cent and 0.84 of one per cent respectively, again speaking to the wonderful management of livestock on Australian farms, the excellent transport of livestock into the feedlots, the management of stock in feedlots prior to them being shipped and the movement to the ships and onboard transport.

I will have a lot more to say in the coming weeks on the live export trade, its importance to this country and its importance particularly to the wellbeing of agriculture in my own state of Western Australia and the wellbeing of the entire economy of Northern Australia, as was evidenced last year when, regrettably, the live cattle export trade was suspended for a brief time. People in southern Australia, particularly in urban Australia, had no concept at all of the effect that that suspension unwisely had on the market.

I want to draw attention to a very important aspect, and that is animal welfare. Australia leads the world in animal welfare standards for livestock, particularly those that are transported around the world. I have made the point before in this chamber—and I will make it again and again—that there are 109 countries in the world that export live animals to other markets. There is only one country of those 109—and that is Australia—that has committed time, people and money for many years to ensure continual improvements in livestock management, husbandry, welfare, transport and nutrition in those target markets.

We will at some time this year be faced with the prospect of examining again legislation on the possibility of terminating the live export trade. It is important for people to understand that only one country has lifted animal welfare standards in target markets—be it in Asia, the Middle East or the North African region—over time. That is our country of Australia. We stand alone and we stand very proudly as the country that has had most effect and the greatest effect. Those with a keen interest in animal welfare need to know that animal welfare standards do not stop at Australia's borders. It is a worldwide challenge.

Whilst we are in those markets in Indonesia, in the Middle East, in North Africa and those other countries, we will continue to be the sentinel. We will continue to be the country that leads improvements in standards. There have already been immeasurable improvements in livestock shipping and feedlot conditions. Yes, there is still room for improvements in abattoir performance in those markets. But I remind you again, Mr Acting Deputy President, that Australia is the country that will have the greatest effect when it comes to those improvements. Should we ever be excluded from live animal exports in those markets, two things will happen. The complementary boxed meat market from Australia will cease but, worse than that, animal welfare standards will deteriorate back to a level prior to our country coming into the market. I compliment the officers for this report. I commend it to the Senate. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
STATEMENTS
Stynes, Mr Jim

Senator RONALDSON (Victoria) (18:06): I hope that my colleagues will give me some latitude in relation to the matter I am about to speak about. I express my personal deep regret and the deep regret of all colleagues following the death on 20 March 2011 of James Peter Stynes OAM, immediate past President of the Melbourne Football Club. I would like to place on record our appreciation for his long service to Australian sport and tender our profound sympathy to his family and his friends in the Melbourne Football Club in their bereavement.

The loss of James 'Jim' Stynes is a tragedy not simply for football but for the wider community. Born in Dublin on 23 April 1966, the son of Brian and Teresa, Jim began his playing career in Gaelic football, playing alongside his brother Brian in local club Ballyboden St Enda's—on whose website his name remains as 'a famous player'. His skills saw Jim included in what became Dublin's winning side in the 1984 All-Ireland Minor Football Championship. But it was a newspaper advertisement for the Melbourne Football Club offering sports scholarships to talented Gaelic footballers that saw the then 18-year-old Stynes depart for the Antipodes. Despite being relatively unacquainted with AFL save for a short television film, Stynes became perhaps the Demon's greatest success story, vindicating Coach Ron Barassi's 'Irish experiment' that Gaelic footballers could easily adapt to the local game.

Having played for the Demons under-19s squad and at the Victorian Football Association's Prahran Football Club, Stynes made his debut in round 3 of 1987, when the Demons played Geelong at Kardinia Park. His star was cemented from round 19 when he began what became the league record consecutive game streak of 244 games—a remarkable record. That lasted until round 4 of 1998. In total, Jim Stynes played 264 games.

Jimmy Stynes' talent and achievements were recognised many times throughout his sporting career, including with his receipt of the Brownlow Medal in 1999; the Leigh Matthews Trophy for the AFL Players Association Most Valuable Player in 1991; four club best and fairest awards in 1991, 1995, 1996 and 1997; inclusion as an All-Australian in 1991 and 1993; inclusion in the Melbourne Team of the Century in 2000; and his induction into the AFL Hall of Fame in 2003.

Throughout his life, as in sport, Jim Stynes was never a man to be boxed in. In 1994, together with Paul Currie he founded the Reach Foundation, a not-for-profit organisation which has run support programs for more than 500,000 young Australians as well as for teachers and youth professionals. It was in his role with Reach that I had the pleasure to meet him on several occasions in my hometown of Ballarat. He also served on several government advisory boards, including a 1987 Victorian government suicide task force. Jim was subsequently named Victorian of the Year in 2001 and 2003, Melbournian of the year in 2010 and was awarded a Medal of the Order of Australia in 2007 for his services to youth.

After becoming President of the Melbourne Football Club in 2008, Jim was diagnosed with cancer and began immediate treatment. While many would have been rocked to the core by such a revelation, Jim Stynes stayed the course. He continued to lead the Demons—he did not give up—and he remained club president until February this year. I speak tonight as a Melbourne supporter and member and I pay great tribute
to Jim Stynes. I would like to pass on my personal condolences to his family. In the brief time that is left to me, I would like to read part of a statement issued by Sam Stynes, Jim's wife, on 20 March:

Jim Stynes died on Tuesday the 20th of March at 8.20 am. Jim was pain-free, dignified and peaceful. Matisse and Tiernan were present.

Not surprisingly, in his last week of life Jim continued to defy the odds and lived his life to the fullest attending the Melbourne vs Hawthorn football match, his son Tiernan’s 7th Birthday celebration, the MFC Blazer Ceremony and a casual Friday night dinner at Toplinos in his much loved suburb St Kilda.

In his final days Jim was immersed with insurmountable love and tenderness surrounded by his family and some close friends in the comfort of his own home.

On behalf of Jim my heartfelt thanks to all those who have so generously cared for, guided and supported Jim throughout his challenging cancer battle.

I am sure I speak for all honourable senators when I celebrate the remarkable life of Jim Stynes. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS
Tourism Australia

Debate resumed on the motion:
That the Senate take note of the document.

Senator IAN MACDONALD (Queensland) (18:11): The Tourism Australia report for 2010-11 is an interesting document. I thank Tourism Australia for attending Parliament House just this morning and for conducting a forum to explain their promotion of tourism in Australia and to indicate Tourism Australia's enthusiasm for promoting all the good things that there are in Australia. I thank them for coming along. I did raise the question in question time of just what this quite elaborate promotion was actually achieving in numbers, and it was suggested to me that it is being successful, although in raw numbers that is hard to gauge. I did indicate in my question that tourism areas in my state of Queensland that I am familiar with—the Gold Coast, the Whitsundays and Cairns—are doing it fairly tough insofar as the tourism industry is concerned. I know that there have been concerns raised amongst small and medium tourism operators in Cairns about the effectiveness of campaigns run by Tourism Australia.

My concern in my home state of Queensland is for the lack of support that the state government has given to the tourism industry, in particular in the Whitsundays and Cairns, which are struggling. We have seen nothing from Ms Bligh, the current Queensland Premier, and her Labor government in relation to the difficulties that are being faced by small business operators. All of the tourism industry will tell you that the inflexibility in labour relationships and working conditions these days is a major difficulty for small business operators, particularly in the tourism industry, which requires very extensive flexibility. I was delighted that Mr Campbell Newman, the leader of the Liberal National Party in Queensland—and, hopefully, from my point of view, the Premier of Queensland after this Saturday—made a commitment in Cairns to dredging the Cairns harbour to allow into that city the very big cruise liners that currently are denied passage into Cairns because the harbour is not capable of taking those big ships of 60,000, 70,000, 80,000, 90,000, 100,000 tonnes and beyond. The Cairns port does need dredging. Those ships that come to Cairns now have to park up the coast a bit, and that means tourists from the ships have to be ferried into the shore. They then do not have enough time to get into the city of Cairns, nor do they have the time to
go on the tours. It would certainly help the tourism industry and the tourism operators if they were able to do that.

Campbell Newman has done a magnificent thing in making this commitment to dredge the harbour. People have been calling for that for years and years, but it has been ignored not only by the state government but also by the local representatives of the Cairns area in the state parliament. Until next Saturday they have all been Labor, unfortunately. Those local state MPs have done nothing for and have shown no interest in the tourism industry in Cairns. Hopefully, after Saturday, Cairns will have decent representation in a new LNP government which will be able to give a real boost to the tourism industry in Cairns. As I said, and I repeat, I am particularly grateful to Campbell Newman for making this commitment which will allow the big liners to get into Cairns and allow the wealth that comes off those ships. Three or four thousand people on board coming into Cairns will give Cairns a much needed boost—a boost that should have been promoted by the state members in the past but which I am confident after Saturday will be promoted by the new state members in those areas.

Senator CAMERON (New South Wales) (18:17): I would also like to take note of the Tourism Australia report for 2010-11. Just before I go to that could I also acknowledge the contribution made by Senator Ronaldson in relation to Jim Stynes and express my support for the comments that were made, and I am sure the support of the government, in relation to a great sportsperson and someone who made a fantastic contribution to sport in this country.

On the issue of Tourism Australia, I note that Senator Macdonald raised the issues facing tourism in Australia. Well, there are a number of issues facing tourism in Australia. But what is the issue that Senator Macdonald chooses to raise? He chooses to raise inflexibility in the labour relationship. We know what 'inflexibility in the labour relationship' is when it is coming from the coalition. It simply means that they want to go back to Work Choices. They want so much flexibility that a worker loses their penalty rates, loses their shift allowances, loses their capacity to have any rights on the job and loses their dignity on the job. That is what Work Choices did. So whenever we hear Senator Macdonald talking about 'inflexibility in labour relationships', what we have to understand for tourism workers and workers in the tourism industry is that it is about bringing Work Choices back. It is about giving the boss complete control over workers in that industry.

I am surprised that the coalition want to keep raising this issue as a major issue. I would have thought that they would have actually dealt with the scientific issues that the tourism industry is facing—for instance, the effects in the tourism industry of global warming and the effects that is going to have in the medium to long term for tourism jobs in this country. We see from the reports that come through from the CSIRO, the Bureau of Meteorology, NASA and all of the eminent scientists on climate change that they have raised the concerns of the problems for the tourism industry of global warming. Yet what do we hear from the coalition and Senator Macdonald on that? We hear nothing.

And why do we hear nothing from Senator Macdonald on that issue? We hear nothing because one of the biggest climate change deniers in the country is the billionaire miner Clive Palmer. Clive Palmer, who is a major donor to the coalition, would in my view be the reason that the real issues facing the tourism industry are absolutely
ignored by Senator Macdonald. And why wouldn't they be ignored, when in 2010-11 almost half a million dollars was donated by Clive Palmer to the Liberal National Party in Queensland? In 2009-10 there was a million dollars and in 2009-09 there was $605,000.

I have said in this chamber before that, when it comes to the puppies of the coalition, they are Clive Palmer's puppies. They ignore the real issues of climate change, they ignore the real issues of workers' rights, and they simply become Clive Palmer's puppies—because the money is flowing in from Clive Palmer to the Liberal National Party. They stand up here and go after workers' rights and workers' ability to have a decent rate of pay on the job. And why are they doing that? They are doing that because Clive Palmer would like to go back to Work Choices—and so the Liberal National Party would like to go back to Work Choices. Clive Palmer does not believe in climate change, so the Liberal National Party do not believe in climate change. Clive Palmer goes into his big, deep pockets and hands it over to the Liberal National Party and they become Clive Palmer's puppies. They say: 'Clive, what can we do for you now? How can we get rid of workers' rights? How can we support your climate change rhetoric?' The Liberal National Party have become Clive Palmer's puppies. That is simply what they are. (Time expired)

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:22): I acknowledge that Senator Heffernan wants to speak on item No. 6, but after Senator Macdonald's comments I feel compelled to make some comments about what is happening to the tourism industry in North Queensland. Like Senator Macdonald, I attended the briefing this morning from Tourism Australia, and Senator Sterle was there as well. What I took from that meeting is that in regional Queensland and regional Australia we need to improve our tourism infrastructure. I point to the work that has been done by the Bligh government in Queensland to develop the cruise liner terminal in the port of Cairns. I also point to the work that the Bligh Labor government has done in Townsville to develop the cruise liner terminal in that fair city as well.

The second thing I took from that meeting is that we need to increase our international flights, particularly into destinations like Cairns. Once again, I commend Premier Bligh for the work that she has done on developing a very sensible and effective incentive package that will deliver increased flights, particularly to China. It is a thoughtful package and, if the government were re-elected on Saturday, I believe it would result in incredibly increased numbers of seats coming to Cairns.

Senator Macdonald wanted to talk about the commitment that Campbell Newman has made in my town—that he will unilaterally dredge the harbour and that is an ironclad commitment. There are a number of hurdles that must be overcome before we can achieve that outcome. I support work to increase visitation by the cruise liner industry into our city. They are a very important part of our tourism product.

I inform the Senate that the Cairns Port Authority is currently undertaking two inquiries—one is completed—into the important harbour facilities that are required in order for ships to tie up. That work is done. It indicates that we need some increased work in the actual tie-up facilities. The second study that is currently underway is the dredging study. It is a study that will ascertain whether we can dredge the harbour to the extent needed to take in the larger vessels that we know we want. We live between two World Heritage listed environmental assets: the Great Barrier Reef
and the Wet Tropics World Heritage area. They are the reason that people come to visit us in Far North Queensland. That is understood and not questioned. But Campbell Newman has said that he is just going to dredge the harbour. Where is the spoil going to go? Currently, for the annual dredging of Trinity Inlet, the spoil does go into the Great Barrier Reef Marine Park. It has been approved to do that and it has done that for years and years, but we are talking about a major dredging event. I think the sensible and honest approach that Kirsten Lesina, the Labor Party candidate for the seat of Cairns, has undertaken is to say that she supports the proper processes that are underway. She, like me, would love to see an increase in visitation. That is why we have the process happening.

Campbell Newman has said he will dredge the harbour full stop—no questions, no studies. I want to know where the spoil is going to go. I suggest to the people of the electorate of Cairns that the honest approach that has been described by our candidate, Kirsten Lesina, which will support a proper assessment process—

Senator Ian Macdonald: Ms Bligh has had 22 years and she hasn't dredged yet.

Senator McLUCAS: I do not know if Senator Macdonald has been watching the papers over the last little while. There has been an absolute outcry at the notion that people would put spoil from dredging into the Great Barrier Reef Marine Park. But it happens all the time. You and I know that, but let's be sensible about the next big step. It is a big step and we have to get it right. I am sorry if you have a person who would like to be the Premier who just says, 'We'll just come in and dredge it all up and shove it out into the marine park.' If we do that without the proper process, it will fail.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:27): I rise to take note of that as well and seek leave to continue my remarks.

Leave granted; debate adjourned.

Torres Strait Regional Authority

Senator HEFFERNAN (New South Wales) (18:28): I wish to talk today about government document No. 6: The Torres Strait Regional Authority Annual Report 2010-11. The TSRA generally do a very good job. Their report that is before the chair today is a good example of how they cooperate with each other and it outlines what they have achieved for their people. They look after Indigenous issues in the Torres Strait and Northern Cape York area, but other organisations that are supposed to be assisting Indigenous people are not quite so good. One such organisation is Indigenous Business Australia. Indigenous Business Australia's mission statement states:

Our vision is for a nation in which the First Australians are economically independent and an integral part of the economy.

Our programs provide the means for Indigenous Australians to create wealth and accumulate assets, take up mainstream investment opportunities, create business enterprises that provide additional employment opportunities, and purchase homes.

And that would include the aspiration of leaving a home in your will to your kids. I have a copy of a letter dated 10 March 2012 which is addressed to, among other people, the minister, the Hon. Jenny Macklin. The letter, from a staffer at IBA, states:

Dear Minister

I write as an employee of Indigenous Business Australia (IBA) for many years, and with the support of staff who are prepared to put their hand up as whistleblowers to expose alleged misuse of funds, failure to declare conflict of interest, and interference in administration of IBA by its Chair.
You will not be aware of the sense of relief in the corridors of IBA around the country when the Senate Estimates Committee recently sought to establish the facts surrounding some twelve IBA staff spending the day at Movie World, at the Gold Coast at taxpayers' expense. That Committee also questioned the circumstances surrounding the substantial funding (many millions of dollars) going to Tjapukai Cultural Centre in Cairns when independent advice found it was a marginal proposition at best. These matters warrant serious … investigation.

This is a four-page document that I will not have time to read into Hansard. I failed to get permission to table it, so I will go to the last couple of paragraphs and will then ask to continue my remarks later so that I can read the letter into Hansard. The last two paragraphs state:

Finally, I can tell you there is no joy in being a whistleblower but it is the only way our voice will be heard and for attention to ultimately be given to ensuring that the resources of IBA are spent wisely and in accordance with its policy and guidelines, with due regard for the provisions of the ATSI and CAC Acts. This letter has been prepared in the knowledge that there is a witch hunt occurring to find the leaks emanating from IBA, the sole purpose of which are to promote good governance and protect the integrity and reputation of IBA.

Please note that I have written to the Clerk of the Senate and the Australian Federal Police Commissioner requesting they investigate issues relating to Mr Fry's evidence at the Senate Committee hearing—

where it is alleged he lied to the committee—

and alleged breaches of the CAC Act to see what avenues of follow up may be warranted under their respective jurisdictional responsibilities.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Heffernan, that was an interesting contribution under the Torres Strait Regional Authority document as opposed to a document that mentioned IBA.

**Great Barrier Reef Marine Park Authority**

Debate resumed on the motion:

That the Senate take note of the document.

*Senator CAMERON* (New South Wales) (18:32): As everyone is aware, the Great Barrier Reef Marine Park Authority has one of the most important jobs in this country—that is, to ensure that one of the wonders of the world is kept in a pristine manner. This report states that climate change and the bleaching of the coral reef are key issues that have to be dealt with. The Great Barrier Reef Marine Park Authority has recognised that coral bleaching and the problem of Australia's changing climate are issues that affect the wellbeing of the reef, but the coalition do not recognise this.

What we are trying to do as a government is to play our part in the global attempt to make sure that global warming does not increase by four degrees. In this country, if global warming were to increase by four degrees it would mean average annual temperature increases of about three to five degrees in coastal areas and four to six degrees in inland areas. This has huge implications for the Barrier Reef, and the coalition have got absolutely no way to deal with this. They just do not have any capacity to understand the issue. Again, what you see from the coalition is that their policies are determined by the amount of money that is flowing into their electoral coffers from people like Clive Palmer, 'Twiggy' Forrest and Gina Rinehart. Millions of dollars flow in and then they forget about the national interest. That is how this lot behave.

It is clear that unless we deal with climate change and global warming then the coral reefs will continue to bleach, the temperature
of the oceans will continue to rise and the ecosystems in the Great Barrier Reef will be detrimentally affected—in some aspects, never to recover. Some members of the coalition understand the implications of this. The former leader, Malcolm Turnbull, understands the issues. Senator Birmingham, for his own reasons, has backflipped on his understanding of and support for the need to deal with global warming. We really need to understand that global warming is a threat to the Great Barrier Reef and that the coalition's direct action policy will have no effect, will not deliver on doing anything to look after the Great Barrier Reef.

It is interesting to note that, when Treasury looked at the direct action policy and gave a brief to the opposition after the last election, they said:

Direct action measures alone cannot do the job without imposing significant economic and budget costs.

Moreover, many of the direct action measures cannot be scaled up to achieve significant levels of abatement, and for those that can be scaled up, the cost per tonne of abatement would rise rapidly.

So the coalition's policy of so-called direct action will not help the Great Barrier Reef. The Treasury understand that it is far too expensive. The former leader, Malcolm Turnbull, understands that it is far too expensive. We know that it is a policy that will not deliver and will not protect the Great Barrier Reef. That is why we need to get the coalition off that money that is flowing in to them from Clive Palmer, a noted climate change denier, so that they can develop policies in the national interest. It is clear that the coalition are not developing policies in the national interest; they are simply the puppets of Clive Palmer and the ilk of Clive Palmer. It is about time to develop decent policies and stop looking at their electoral interest before the national interest. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Commonwealth Grants Commission
Debate resumed on the motion:

That the Senate take note of the document.

Senator BACK (Western Australia) (18:38): It is with some disappointment that I rise to note the Commonwealth Grants Commission's Report on GST revenue sharing relativities: 2012 update. I go to section 2, the recommendations, and it is incredibly distressing to notice that, in the first place, my home state of Western Australia is on a relativity of only 0.71, that being 71c in the dollar, this current financial year. That is against others such as New South Wales, on 96c; Victoria, 90c; Queensland, 93c; South Australia, $1.27 per dollar; Tasmania, $1.60 per dollar; the ACT, $1.11; and the Northern Territory, no less than $5.35. That in itself is distressing enough, but, when you look towards the recommendations for 2012-13, Western Australia's share of 71c in the dollar decreases to 55c in the dollar, and further into the out years—and the understanding by our Treasurer is that that figure will decline even further.

What does that translate to in dollars? I am pleased that my colleague Senator Sterle from Western Australia is here to hear these figures. He may need to get his handkerchief out for his tears. What it means for Western Australia is a decline of some $820 million, and the beneficiaries—for whatever reason I do not know—are the ACT, who get an extra $50 million next year; and the Northern Territory, an extra $82.6 million, although as I mentioned they are already on $5.35 per dollar that they actually earn; and the other states in the main—New South Wales lose a bit. Queensland do gain, and one can understand that with the floods of last year,
although they did fail to take out insurance, as all the other mainland states did.

I say this is distressing for one reason—that is, in calculating the formula for horizontal fiscal equalisation, the commission looks at the income-earning capacities and activities of each of the states. It is true that in my home state of Western Australia 20 per cent of its revenue comes from mining, and that is taken into account in the distribution. But what is, I think, absolutely annoying is the fact that, in many of the other states of Australia, 10 per cent of their revenues come from gambling, yet gambling is excluded in the formula calculating the GST carve-up amongst the states and territories. There is no logic to 10 per cent being overlooked when, in the case of mining, 20 per cent is not.

The other point that I have made—and, Madam Acting Deputy President Moore, I think you may have been on the committee under the chairmanship of then Senator Trood—is that one of the other problems with the formula calculating GST is that there is nothing in the formula that actually looks at the capacity, willingness or ability of each individual state or territory to either maximise its revenue or contain its expenditures. I think that is totally illogical.

Premier Barnett, from Western Australia, refers to Tasmania—somewhat disparagingly, perhaps—as 'Australia's national park', but he is right in many ways. Having lived and worked in that state, having invested heavily in that state, I know that it is a state with enormous capacity to earn revenue. And yet at every turn, mainly through the agency of the Greens political party, those revenue-earning streams are continually being cut. It is fine if there is no imposition on the people of that state. We can all understand horizontal fiscal integration. We can all understand that wherever you go around Australia you want equivalence—not equality but equivalence—in roads, transport, health, education and safety. But there has to be an obligation on each state and territory to actually optimise and maximise its revenue and to try and minimise its expenditures.

Of course, as I have said before and as I said in my first speech in this place, it is an old veterinary fact that, if you fail to feed the cash cow, one of the first things that will dry up is the milk at the other end of the cow. If we do not invest in infrastructure towards improved productivity, then we are not going to be able to maximise and optimise the very necessary revenues that are required for each of the states and territories. I seek leave to continue my remarks later.

Leave granted.

Senator CAMERON (New South Wales) (18:43): I am pleased to rise and enter the debate on the Commonwealth Grants Commission Report on GST revenue sharing relativities: 2012 update, especially following Senator Back, who raises the very important issue of horizontal fiscal equalisation. It is not horizontal fiscal anything else; it is equalisation. I think he said 'integration'. We certainly do have what has been over a number of years an economy that we are trying to integrate to make the economy work effectively for everyone. Horizontal fiscal equalisation is about making sure that the GST grants are shared equally and effectively and fairly across the country.

I can understand why ordinary people in Western Australia look around and say, 'We've got a significant problem in Western Australia because of the stresses and strains that the mining industry and the boom in Western Australia have put on the Western Australian economy.' Fellow senators like Senator Sterle have raised these issues consistently and eloquently on the floor of this chamber. What Senator Sterle and others
from Western Australia understand is that royalties are the second-best way to deal with the mining boom.

Even the Minerals Council of Australia, with the major miners and the smaller miners involved in it, have said clearly that a minerals resource rent tax is the way to go. They have said that it is the way to go and that it is the most effective way of dealing fairly and equitably with the miners. But, again, it comes back to this fundamental problem for the coalition: they are addicted to the income from Clive Palmer, Gina Rinehart and 'Twiggy' Forrest for their electoral war chest. As long as the coalition are addicted and reliant on the war chest of Gina Rinehart, 'Twiggy' Forrest and Clive Palmer, they will act in the interests of these multibillionaire miners and not in the interests of this nation. We see them stand up and defend the multibillionaire miners day in and day out on the floor of this Senate and in the other place.

The coalition say that these miners should not be forced to pay one extra cent for the good of the nation. Why are they doing that? There is only one logical reason, and that is that the coalition are addicted to the income from Clive Palmer, Gina Rinehart, 'Twiggy' Forrest and Clive Palmer, they will act in the interests of these multibillionaire miners and not in the interests of this nation. We see them stand up and defend the multibillionaire miners day in and day out on the floor of this Senate and in the other place.

All the coalition want to do is be the puppies of Clive Palmer. They want to do the bidding of the mining industry magnates and put the national interest behind their own electoral interests. This is an absolute disgrace. Not only are they illiterate when it comes to what is in the best interests of the country; they are economic incompetents when it comes to knowing what is the best way to deal with the mining boom. They are absolute economic incompetents. Every economist of any standing who has looked at this issue, including even the economists who advise the mining industry itself, the Minerals Council, says that the MRRT, a tax on profits, is better than a tax on royalties. A tax on royalties is an inefficient, unfair way of trying to get a share out of the mining industry. Yet the economic incompetents on the other side follow in the footsteps of that economic incompetent, Peter Costello, and do not understand these issues.

Senator BUSHBY (Tasmania—Deputy Opposition Whip in the Senate) (18:48): I seek leave to continue my remarks later.

Leave granted; debate adjourned.

National Water Commission

Senator McKENZIE (Victoria) (18:49): I rise to take note of document No. 13, the National Water Commission Act 2004: COAG review into the National Water Commission. This report obviously looks at the National Water Commission, the body responsible for driving progress towards sustainable management and use of Australia’s water resources under our blueprint for water reform. Under the Water Act 2007 the commission had a new and ongoing function to audit the effectiveness of the implementation of the Murray-Darling Basin Plan and associated water resource plans. Stakeholders are largely supportive of the National Water Commission and its achievements. However, there is a potential for the National Water Commission’s independent standing to be reduced through
being given additional tasks that support some contentious programs. Obviously, the Murray-Darling Basin Plan and its implementation will be one of those.

I will turn to chapter 8 of the review itself and highlight a couple of the recommendations. Recommendation 3 states:

The purview of the NWC should encompass all reforms associated with implementation of the NWI, including the MDB reforms…

That is incredibly contentious work. As a Victorian, I have been to the Murray-Darling Basin public meetings in my home state. There have been three throughout the 20-week consultation period, which ends in a little over 3½ weeks. There are significant issues with this plan from a southern basin perspective and I would like to talk briefly about them today.

Our communities along the Murray River in Victoria contain a vibrant and diverse people. We work hard on the land, predominantly in horticulture but also in dairy in northern Victoria. The people in towns like Mildura, Echuca, Shepparton and Cobram—obviously Mildura and Echuca are part of the Murray and lower Darling river system—and in other communities such as Swan Hill have over $1,799 million per annum tied up in irrigated agriculture. Shepparton, which is part of the Goulburn-Broken system—it is experiencing its own particular difficulties at the moment with floods—is home to 147,000 Victorians, with $712 million associated irrigated agricultural products. These are the areas that grow and process our food, and we need to ensure that the Murray-Darling Basin Plan takes into consideration the socioeconomic impact of taking the water out of these communities. I know there is a Senate committee going to Mildura shortly. Hopefully they will hear directly from our communities not only about the impact that this will have on our ability to produce and process the food enjoyed by Australia and the world but also about the social and environmental impacts. I call on Victorians within the southern basin and northern Victorians right along the Murray to get out and make submissions in the last 3½ weeks. We have to make sure that our perspectives on this plan are heard and recognised.

I found it quite interesting that one of the recommendations talks about knowledge leadership and says that the function should encompass reform implementation nationally, including in the Murray-Darling Basin. That concept of knowledge leadership is something that seems to be lacking in the whole process of the development of the Murray-Darling Basin Plan. Wherever I go, there are screams about a lack of data, including a lack of socioeconomic data, late release of reports such as the CSIRO reports and the hydrology reports, and a lack of detail. I am hoping that we will get answers to questions such as 'How much water does the Commonwealth actually hold at this point?' and 'How are they going to use it?' We think of the Barmah Forest, an environmental asset that has had more than its fair share of watering of late, and our trust and confidence in the Commonwealth’s capacity to do this are sorely tested.

Senator CAMERON (New South Wales) (18:54): I am pleased to participate in this debate on the COAG review of the National Water Commission in accordance with the National Water Commission Act 2004. I find it quite bewildering that members of the National Party can continually stand here in this place and talk about their concerns for the people in Mildura, Shepparton and the Murray-Darling Basin, given the history of the lack of analysis of and decent progress on the Murray-Darling Basin problems under the Howard government. The National Party had 11½ years to deal with the problems of the Murray-Darling river system, but they
did nothing. Why? They did nothing because it would have meant their having to admit that the CSIRO, the Bureau of Meteorology and Australian scientists were correct and that climate change is a problem that has to be dealt with. The coalition, for 11½ years, refused to deal with it, and they still refuse.

What was the approach of former Prime Minister John Howard to the Murray-Darling Basin? He suddenly woke up one morning and said: 'There's a problem in the Murray-Darling Basin. How do I fix it? Let's throw some money at it.' There was $10 billion allocated overnight to the Murray-Darling Basin, with no plan, no strategy, no understanding of what the money was for—to the extent that Dr Ken Henry, the then Secretary of the Treasury, threw his hands up in the air and said, 'We've not been asked for any advice on what the implications of this $10 billion spend are.' Did the $10 billion spend go to cabinet? No, it did not. It was typical of the Howard government to wake up one morning, understand that they had a problem and throw money at the problem.

On the one hand, you had John Howard throwing money at every problem, such as the problem of the Murray-Darling—with no strategy, no analysis, no scientific basis—and, on the other hand, you had that failed Treasurer Peter Costello out there trying to cut taxes and cut taxes. So the big spend was on and the big tax cut was on. That created a problem for the structural basis of the economy, and we are still faced with that. This mob across the Senate have got no understanding of how the economy works. They have got absolutely no economic credibility at all.

When the history of Peter Costello is written, it will say Peter Costello needed a spinal transplant because he could never stand up to John Howard and get a decent economic policy in place. John Howard was too busy throwing the money out—every budget a new record of what he could give to areas where there was a problem. The economic profligate John Howard had absolutely no understanding: 'Here we go: the Murray-Darling Basin, $10 billion. We won't take that to the Treasury to find out what the Treasury thinks about it. No, let's not do that. We won't take it to cabinet to see if any of the cabinet ministers have got a view on it.' They would not, because they were all spineless like Peter Costello anyway. So the former Prime Minister John Howard had his way with government funds—just throw them out there. They would throw the money around. Peter Costello would try and cut taxes to try and be the epitome of a coalition Conservative Treasurer. And what did we end up with? We ended up with a mess. We ended up with productivity declining in this country. We ended up with no approach to the Murray-Darling river system. We ended up with nothing on the environment. You were frauds and you are still frauds and you should admit it.

The ACTING DEPUTY PRESIDENT (Senator Moore): Senator Cameron, are you seeking leave to continue your remarks later?

Senator CAMERON: I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS
Consideration
The following orders of the day relating to government documents were considered:
Australian Postal Corporation (Australia Post)—Report for 2010-11. Motion of Senator Bushby to take note of document agreed to.
Wet Tropics Management Authority—Report for 2010-11, including report on the State of the Wet Tropics. Motion of Senator McLucas to take
note of document called on. Debate adjourned till Thursday at general business, Senator Bushby in continuation.


Australian Customs and Border Protection Service—Report for 2010-11—Correction. Motion of Senator Macdonald to take note of document called on. On the motion of Senator Bushby the debate was adjourned till Thursday at general business.


General business orders of the day nos 11 and 12 relating to government documents were called on but no motion was moved.

COMMITTEES

Membership

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

Senator McLUCAS (Queensland—Parliamentary Secretary for Disabilities and Carers) (18:59): by leave—I move:

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

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—
Discharged—Senator Wright

Community Affairs Legislation Committee—
Appointed—
Substitute member: Senator Boyce to replace Senator Adams from 30 March to 29 June 2012

Participating member: Senator Adams

Community Affairs References Committee—
Appointed—
Substitute member: Senator Humphries to replace Senator Adams from 23 March to 29 June 2012

Participating member: Senator Adams

Education, Employment and Workplace Relations Legislation Committee—
Appointed—
Substitute member: Senator Ludlam to replace Senator Rhiannon for the committee’s inquiry into the provisions of the Coastal Trading (Revitalising Australian Shipping) Bill 201 and related bills

Participating member: Senator Rhiannon

Environment and Communications Legislation Committee—
Appointed—
Substitute members:
Senator Ludlam to replace Senator Waters for the committee’s inquiry into the Broadcasting Services Amendment (Anti-siphoning) Bill 2012
Senator Hanson-Young to replace Senator Waters for the committee’s inquiry into the National Water Commission Amendment Bill 2012

Participating member: Senator Waters

Finance and Public Administration Legislation Committee—
Appointed—
Substitute members:
Senator Fierravanti-Wells to replace Senator Ryan for the committee’s inquiry into the Health Insurance (Dental Services) Bill 2012 [No. 2]

Senator Fierravanti-Wells to replace Senator Ryan for the committee’s inquiry into the provisions of the National Health Reform Amendment (Administrator and National Health Funding Body) Bill 2012

Participating member: Senator Ryan
Legal and Constitutional Affairs Legislation Committee—

Appointed—

Substitute member: Senator Hanson-Young to replace Senator Wright for the committee’s inquiry into the provisions of the Migration Legislation Amendment (Student Visas) Bill 2012

Participating member: Senator Wright.

Question agreed to.

COMMITTEES

Electoral Matters Committee

Report

Senator RYAN (Victoria) (19:01): I rise to speak on the Joint Standing Committee on Electoral Matters report on the so-called Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012. We did not have an opportunity to speak to this the other day because we ran out time. I note the committee report was brought down earlier this week in the House of Representatives and this place, and it follows a report on a similar bill that was also inquired into by the committee.

This bill has an Orwellian name. It is described as a 'protecting elector participation' bill. The truth is that it has nothing to do with protecting elector participation and it has everything to do with conscripting people onto the electoral roll. If we go through the steps of what this bill entails, it will allow people to be added to the electoral roll without their consent and without their knowledge.

In Australia today, enrolling to vote is one of the easiest things you can do. There are some areas of Australia where we have specific programs, particularly in remote areas and for our Indigenous communities, but no-one can allege that there is any systematic attempt to do anything other than encourage people to vote and make it as easy as possible. We have the Australian Electoral Commission outside citizenship ceremonies—

Government senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Moore): Senators on the right should stop yelling across the chamber. You know it is unparliamentary.

Senator Sterle interjecting—

Senator RYAN: Senator Sterle, if you want to go back to Labor's record—

The ACTING DEPUTY PRESIDENT: Senator Ryan, you know you do not take interjections.

Senator RYAN: I do want to take that interjection. Senator Sterle, if you go back and look at the record of the Labor Party on things like white Australia and voting rights, I am afraid that it is not a history that the Labor Party should be proud of. More importantly, we have in Australia a transparent and fair electoral system. Anyone can walk into a post office, if they are Australian citizens—born here or naturalised—and get what must be the smallest government form, fill it out, have it witnessed and enrol to vote. I was lucky enough recently with my wife to have our first child. The Centrelink form with 88 questions to register your child is a truly exceptional effort in government red tape. But to enrol to vote is exceptionally easy. You do not need to have 100 points of ID like you do at a bank; you need less ID than you do for a video card. No-one can allege there is anything other than a systematic encouragement and facilitation of people in this country to enrol.

This bill is the result of a contrived and confected crisis that the Labor Party and the Greens are trying to create. They and the AEC say there are a million people not enrolled to vote. That may well be the case.
It is somewhere between half a million and 1.3 million. As I have said before, that is more a reflection on us than it is on the people. If people are choosing not to enrol to vote, as the law requires, then quite frankly the obligation is on the state to go and pursue them.

This bill entails a profound and radical change in our enrolment procedures. One of the justifications for it is that it is easier to remove people from the electoral roll than it is to put them on it. That is true to a certain extent, but that is no bad thing. If people have moved home, for example, or if people have not filled out a form then if you have moved home and you have not changed your address, you will receive a letter from the AEC. If that letter is not returned you are removed from the electoral roll. You are not entitled to be on the electoral roll at that particular address. You should have updated it within 30 days as the law requires.

What will happen under this bill and the related bill is that you will receive a letter, an SMS or an email from the Australian Electoral Commission and your refusal to acknowledge that will put you on the electoral roll. You cannot object because, if you did so you will confirm that that is valid, unless you try to correct the AEC and then you will be at a new address. Even more importantly, you might not ever know you have been put on the roll. How are we to know that that is the correct information? We are supposed to trust various state and Commonwealth government databases.

The dissenting report to this bill has details of Auditor-General’s reports about there being three million more tax file numbers than people and about the systematic problems in our Medicare database. Yet, if this bill passes, these are the sorts of databases that can now be used to enrol people to vote. These databases are not designed for that purpose. The electoral commissioner has indicated that he plans to start with state high school databases and roads and traffic authority—in my home state, VicRoads—databases. Neither of these contains citizenship data, so we are apparently relying upon data matching by the AEC to trust that this will lead to a faithful and accurate electoral roll.

We are losing something very important with the bill that the government and the Greens recommend. At the moment we have a paper trail. While signatures may change over time, the truth is that at the moment we have a paper trail between someone’s enrolment form and their signature on a postal vote or a declaration vote of some sort. We will no longer have that paper trail. That will be an important part of the chain of evidence that we no longer have. I profoundly believe we are going to put the Electoral Commissioner in an invidious position because one day a mistake will be made. One day, the Electoral Commissioner—whoever that person may be—will make a mistake and there will be people put on the electoral roll who are not entitled to be there. We will then lose something quite dramatic. At the moment the Electoral Commission is above politics. But when the Electoral Commissioner makes a mistake their judgment, their role, may well be called into question.

We have at the moment the first hung House of Representatives since World War II. In the previous federal election we had the seat of McEwen decided by two dozen votes after a 12-month battle that included the High Court and the Federal Court. What would we say if those two events combined and we had people on the electoral roll who were not entitled to be there?

At the moment there are no serious allegations that the result we get on election
night, or weeks later, does not reflect the ballot papers and the entitlements of people to cast those votes. This bill, sought for political advantage by the Greens and the Labor Party and for bureaucratic convenience by the AEC, will put that in question. We will no longer have that important paper trail between people signing a bit of paper to enrol to vote and then being able to trace that signature if ballots are contested.

We have close elections in this country, not just now but in the last 20 years. We had one in 1990 and one in 1998. How anyone can say this particular piece of legislation would strengthen our electoral system yet dismiss the concern that it may bring the very integrity of that system into question absolutely astounds me, but it betrays what Labor and the Greens are about, and that is a political agenda. The Labor Party has never been as committed as the coalition to integrity in our electoral system—we saw that in Queensland with the Shepherdson inquiry several years ago—but the coalition will oppose this legislation for the reasons outlined in our dissenting report and because there is no systematic discouragement of people enrolling to vote in this country. We make it as easy as any place in the world, with the smallest government form you could ever pick up and fill out.

This bill contains very serious risks to our electoral system and it will not address the problem the government says it will. When we look at the data from New South Wales and Victoria, of those who were automatically conscripted and enrolled—not always with their knowledge—we did not get a turnout of 90 per cent; we got a turnout of closer to 50 per cent or below. So this bill is not going to address the very problem that the government and the Greens say it will, yet it brings in a whole new range of risks which the government, the Greens and the AEC have not been able to dismiss.

When this bill was brought before this place twice before, it had been broken up and renamed twice before. The coalition will continue to oppose it for the reasons that I have now written in the third or fourth dissenting report in which I have been involved on this issue. We have been consistent, and no-one can put forward the case that there is any discouragement to vote, so the risks contained in this bill are simply not worth it.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Foreign Affairs, Defence and Trade Joint Committee Report

Senator FURNER (Queensland) (19:09): It is my privilege and pleasure to speak on the report of the Joint Standing Committee’s visit to the Middle East Area of Operations on 14 May through 18 May 2011. The visit to the ADF units in the Middle East Area of Operations forms part of the committee’s wider program of inspections to ADF units and defence industry sites. Where practical the committee has sought to visit ADF personnel where they conduct their operations.

The delegation thanks the ADF for developing and coordinating a visit program that ensured the safety of delegates while giving them exposure to a wide range of issues, personnel and locations. The delegation thanks the Australian National Commander in the MEAO, Major General Angus Campbell, AM, and his staff for coordinating the visit and providing the delegation with the access required to meet its aims. In particular, the delegation thanks the Headquarters Joint Task Force 633 Chief of Staff, Colonel Andrew Maclean, for
hosting the delegation throughout the visit. The delegation also thanks the Australian Ambassador to Afghanistan, Mr Paul Foley, for hosting the delegation's visit to the Afghan parliament and for sharing his wealth of experience in Afghan politics with the delegation. Finally, the delegation expresses its appreciation for the efforts of the committee's defence adviser, Lieutenant Colonel Stuart Kenny, CSC, who accompanied the delegation and who was intimately involved in the planning of the visit, and thanks the officers and soldiers of the 2nd Commando Regiment who provided security for the delegation throughout its visit—and did a sterling job, I must say.

The delegation consisted of myself as Chair of the defence subcommittee; the Deputy Chair and member for Tangney, Dr Dennis Jensen; the member for Canberra, Ms Gai Brodtmann; the member for Fadden, Stuart Robert; and also the defence adviser Lieutenant Colonel Stuart Kenny CSC.

The ADF involvement in this area goes back some time. In fact, it has deployed forces in the Middle East almost continuously since the 1991 Gulf War. Following the terrorist attacks in the US on 11 September 2011, Australia has deployed maritime, land and air forces across the Middle East, most notably in the Arabian Gulf, Iraq, the United Arab Emirates and Afghanistan. Australia's military contribution to the International Stabilisation and Assistant Forces in Afghanistan has developed under Operation Slipper. Australia's military contribution includes around 1,550 ADF personnel who are deployed within Afghanistan, with 1,241 personnel deployed in the Nuristan Province and around 300 in Kabul, Kandahar and elsewhere in Afghanistan. These numbers vary depending on the area of operations and on shifting seasonal conditions. Some 830 personnel provide support from locations within the border of the MEAO, including our maritime commitment, in keeping with ISAF strategy to strengthen the civilian engagement in Afghanistan and to better integrate civilian and military efforts. In April 2010 the Australian government announced a 50 per cent increase in Australia's civilian contribution to Afghanistan. Australia now has around 50 civilians working in Afghanistan in addition to around 10 Defence civilians. Australia's substantial military/civilian deployment assistance focuses on training and mentoring the Afghan National Army 4th Brigade in Oruzgan province to assume responsibility for the province's security; building the capacity of the ANP to assist with civil policing functions in Oruzgan; helping improve the Afghan government's capacity to deliver core services and to generate income-earning opportunities for its people; and operations in dispute insurgent operations and supply routes utilising this special operations task force group.

The first visit was to Al Minhad, the airbase in Dubai. The purpose of this visit to AMAB was to visit the headquarters and unit space at the airbase, to be provided with update briefs on issues affecting ADF operations in the MEAO and to conduct abbreviated force preparation training prior to being deployed in Afghanistan. The delegation was provided formal briefings from most of the ADF elements based at AMAB.

From there we flew into the country by way of Hercules to visit Tarin Kowt in Oruzgan. The province, for the sake of the location, is in the southern part of Afghanistan. The province is one of the poorest and the population the least educated of all Afghanistan's provinces. The province is dominated by the mountains and valleys on the south edge of the Hindu Kush. To its west is the violent Helmand province and to
the south is Kandahar province and the birthplace of the Taliban. Oruzgan province is the focus of Australia’s main effort, with the major concentration of Australian forces based at the multinational base at Tarin Kowt on the outskirts of the capital. The base provides easy access to Tarin Kowt and has recently upgraded a tarmac to airfield capability for C17 operations.

The purpose of the visit to Tarin Kowt was to visit the headquarters and unit space in Oruzgan, to develop an understanding of the issues affecting ADF operations in the province, to meet the province's Afghan leaders, to gain an appreciation of the true conditions of the situation in the province and to obtain an understanding of the progress of operations. Oruzgan's economy is dominated by agriculture, which in turn is currently dominated by poppies. However, Oruzgan produces good-quality almonds—supported by AusAID—wheat, pomegranates and also watermelons.

From there on the following day we took a trip up to a patrol base at Nasir in the Mirabad Valley. That was on the morning of 16 May, when the delegation was moved up there to the airfield. The members were provided with a tactical and safety brief and then flew up by two US Army S70 Black Hawk helicopters to patrol base Nasir in the Mirabad Valley, which houses the operation mentoring and liaison team from Combat Team Bravo.

On arrival there the delegation moved to the patrol base operation room and received a classified briefing on the valley. The key point to remember about this particular patrol base was that in April 2010 the only way the MTF1-ISAF could effectively move up the valley from Tarin Kowt was by helicopter. Now, with the improved security situation, ISAF can move up the valley in vehicles. PB Nasir was built in September 2010 by MTF1 over a two-week period under hostile fire by the Taliban. Since February 2011, the insurgent Taliban offensive actions against the patrol base have been spasmodic, with no effective action against the MTF2 elements for three months.

The local insurgency is community-rural based, with fathers, uncles and brothers involved. It is very much an opportunity based insurgency. Due to the increased government and ANA effectiveness, and the effect of increased ISAF numbers, the insurgency has lost relevance in the local area. However, this is very tenuous due to the need for further economic and social development and the possible effects of the Afghan government's poppy eradication program. The effectiveness of the ANA in the Mirabad Valley has improved. Some elements of the local ANA can operate independently of Australian mentors. In fact, out of the four patrol bases in the valley, two are now manned by ANA only.

On the completion of the brief the delegation moved to the fortified meeting area to meet with local village leaders. This was a real opportunity to hear from local Afghan people of the success we are having in this country. Local leaders discussed the positive outcomes of the MTF, ISAF and ANA presence in the Mirabad Valley and the improved security situation. Local leaders stated that they are very pleased with the Australian Army's professionalism and positive approach, which provided the local population with confidence. The local leaders believe that the visit by the Australian parliamentarians sets a very good example to Afghan politicians about accountability and the need to see what is occurring on the ground.

Leaders are concerned about Pakistani and Iranian interference in Afghanistan's security, and alleged that these countries are
harbouring terrorists. They asked that the delegation take back to the Australian parliament the need to apply pressure on Pakistan and Iran to stop their interference in the internal affairs of Afghanistan.

On that note, I seek leave to continue my remarks on the rest of the report on the other parts of the country that we visited.

Leave granted; debate adjourned.

Corporations and Financial Services Committee

Report

Debate resumed on the motion:

That the Senate take note of the report.

Senator FISHER (South Australia) (19:20): I wish to comment on the Superannuation Legislation Amendment (MySuper Core Provisions) Bill 2011 and Superannuation Legislation Amendment (Trustee Obligations and Prudential Standards) Bill 2012 report, and in particular the observations made by coalition senators in their dissenting report. I want to focus on a couple of aspects of those comments, and I quote:

Current arrangements where default funds under modern awards are selected by Fair Work Australia are not transparent, not competitive and inappropriately favour union dominated industry super funds.

The continuation of those current closed shop anti-competitive arrangements for the selection of default superannuation funds is a national disgrace.

In the lead-up to the last election the government was shamed into promising a Productivity Commission inquiry to address the anticompetitive aspects of its decision to hand to Fair Work Australia the power to approve default funds.

Very disappointingly, it has taken the government more than 18 months to commission the inquiry from the Productivity Commission, which we now understand will take the best part of this year.

The coalition senators go on to say:

It is clear that the Minister for Workplace Relations and Superannuation has been intent on protecting the best interests of his friends in the union movement for as long as possible.

Those observations are even more pertinent given the recent increases announced to the compulsory superannuation guarantee levy to start from 30 June this year and to be phased in over the next eight years to 2020, rising to some 12 per cent by that time. It is particularly interesting given that the same minister, Bill Shorten, has reportedly given up on trying to say the minerals resource rent tax will pay for the superannuation increases. Of course it will not pay for that. All it might do, if the government raises enough money with it, is compensate for the tax revenue that the government will not reap because of there being more money put into super, which of course attracts a lower tax rate than if that money were paid in another way. He has realised that that decoy does not work anymore, so he has essentially been forced to say, 'Forget about it, my union mates. Forget about employers funding this increase from nine per cent to 12 per cent.' He is saying to his friends in the union movement that workers will have to fund these increases over time by agreeing to defer part of what would otherwise be their annual wage increases from now until 2020 and that those deferred wage increases will have to be worked out between employers and employees during wage negotiations.

That is pretty interesting, because his colleagues in the lower house certainly were not up to speed when, for example, Labor’s MP for Canberra, Gai Brodtmann, did her doorstep interview on 21 March. She was talking about the mining resources rent tax. She said:
... it’s also the superannuation benefits to 8.4 million Australians. So there’s significant knock on effects and benefits from this tax and bring it on, I say.

I have to warn you it is excruciatingly painful to get to the end point of this interview. It continues:

QUESTION:
That superannuation is paid for by the businesses, it’s not paid for by the Government.
GAI BRODTMANN:
Well the superannuation will be, in terms of how it is paid for, will be discussed in enterprise agreements over coming years. It’s going to be phased in over time and it will be subject to those enterprise agreements.

There are then some inaudible questions, and then there is a further question:
But that superannuation isn’t coming from the miners. It’s coming from those small businesses that you say need the help.
GAI BRODTMANN:
Those discussions will be held over time once it’s phased in.

QUESTION:
What does that mean, sorry?
GAI BRODTMANN:
That the discussions on the superannuation and how that actually is introduced will be discussed over time and phased in over time and it will be discussed in the course of enterprise agreements.

QUESTION:
So you’re suggesting there might be another alternative to the small businesses paying that themselves?
GAI BRODTMANN:
No. What?
There are some more inaudible questions, and then there is a question about:
The instant tax write-off because they do have to pay superannuation themselves and most small businesses are likely not to benefit from the tax cuts.

There is then some discussion about related issues, but—ah—we return to the superannuation:
GAI BRODTMANN:
Discussions in terms of how the superannuation is going to be introduced and phased in over time?

QUESTION:
[Inaudible]
GAI BRODTMANN:
That’s right.

QUESTION:
So what are these discussions?
GAI BRODTMANN:
The discussions between employees and employers.

QUESTION:
If the employers have to pay it, what are the discussions [inaudible]?
GAI BRODTMANN:
No, the discussions between how it is actually, how it is going to be introduced, those discussions need to be held between employees and employers.

QUESTION:
So eventually they’ll need to pay it.
GAI BRODTMANN:
The, but the discussions need to be held between employees and employers.

QUESTION:
But do you think that these discussions could lead to changes to the legislation?
GAI BRODTMANN:
I’m not aware of that.

QUESTION:
So why would small business need to have discussions though? To still discuss this policy?
GAI BRODTMANN:
No, I’m talking about. No. Let’s just … Let’s leave it at that. Yep. Next question?
You might think that is the end of it, but no.
We keep going:
... when it is being introduced, when, how [inaudible]?
GAI BRODTMANN: That's right.
QUESTION: You're not sure these discussions …
The rest of the question is inaudible, and then there is a further question:
Are the discussions more between the employer explaining to the employee …?
GAI BRODTMANN: That's what I'm saying. The discussions needs to be held in terms of the employees and employers in the enterprise agreement context.
QUESTION: But whatever is the result of those discussions in the end, the employer must pay 12 per cent superannuation.
GAI BRODTMANN: Well, it’s increasing from nine per cent to 12 per cent, so …
QUESTION: And they’ll pay for that.
GAI BRODTMANN: That’s the scenario.
Well, hallelujah! Gosh, that was like getting blood out of a stone. So Minister Shorten obviously had not told his colleagues of his plans that, no, business will not pay; workers will have to sacrifice by deferred wage increases over time—which is, of course, what must happen because, as has been indicated by colleagues of mine in the lower house, it is obvious that, if businesses are required to pay for these increases, they are ill placed to afford them. But Minister Shorten is going to have to stare down his colleagues in the union movement, which this report has found that he is intent on protecting as far as superannuation goes. He is going to have to stare down the likes of Tony Sheldon, who says that:

... the long phase-in period meant "any business worth its salt" should be able to manage its affairs to pay increased wages and superannuation.
He is going to have to stare down his not-so-much mate—but he is going to have to talk to him—Dave Oliver if he becomes head of the ACTU. Mr Oliver apparently warned on Tuesday night that the union movement saw the increase in the super guarantee as an entitlement, not a salary sacrifice. If Minister Shorten really means what he says, he is also going to have to tell his mate Paul Howes from the AWU, who says his union has no intention of defraying its wages claims because of increases in the super levy. He said, apparently, that the issue had not been raised with him by a single CEO or a single IR manager because the increases were small and over a long period of time. You have to be kidding! Does Minister Shorten really mean that the increase will have to be factored into future wage negotiations? Does he really mean what he told 3AW:
I can't see that business will be paying any more in the future than they otherwise would have been if the superannuation changes hadn't gone through … But what I do recognise is that a portion of what would have been employees' increases will go into compulsory savings, which is concessionally taxed.
He then said—and this is the giveaway:
... that he expected union leaders would attempt to obtain the best possible outcomes for their members.
Stop speaking with a forked tongue, Minister Shorten. You are no workplace relations novice. You know damn well how it works, and you know damn well what you have to do to keep your union mates to the promises that you have made that the superannuation increases will be paid for over time by deferred wage increases. You know damn well that you will have to amend your Fair Work legislation to require both modern awards and any workplace agreements from
here on to reflect that deferred wage increases will have to be, and can only be, the only way to pay the increases in the superannuation guarantee contribution starting from 30 June this year, rising from nine per cent to 12 per cent. If you mean it, legislate it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

**Community Affairs References Committee**

**Report**

Debate resumed on the motion:

That the Senate take note of the report.

**Senator FIERRAVANTI-WELLS** (New South Wales) (19:33): I would like to make some comments in relation to not just some of the circumstances following the release of this final report but also what we are now seeing in terms of the repercussions of the government's decision. Recently we saw the roadmap released, which has been heavily criticised in the mental health sector. The roadmap appears to be little more than a wish list with little detail, and some criticisms that have been levelled at it. It comes on top of the 2011 year, when the government made announcements of what appeared to be substantial budget initiatives in relation to mental health but all they were about was to rob Peter to pay Paul. The $583 million cuts to the Better Access program was shifting moneys from one side of the mental health portfolio to the other.

We then had the disastrous nomination of Monsignor David Cappo as the Chair of the Mental Health Commission. Within days he was forced to stand down. Then, as I said, we had the cuts to Better Access. Because those cuts to Better Access were undertaken with little or no consultation with the sector, and especially without consultation into relation to the effect it would have on patients, we now see Minister Butler having to backflip with a reinstatement of those sessions at least until 2012.

Let me go back to the roadmap. We saw it released in January basically under cover of the vacation period, which gave people little opportunity to comment. I will come to some comments made in relation to the survey instrument that was used, which was criticised by the Australian Counselling Association. Apart from the artificially tight time for consideration and consultation, they state that they were also concerned that the online survey instrument provided by DoHA to respond to the draft was an inadequate vehicle for detailed comment. Whilst the roadmap has been described as 'a start', Professor John Mendoza in an article in the Australian of 18 January stated:

This roadmap begins that process, but there needs to be a lot more work that brings together governments and the sector to make sure this plan lives and breathes.

In fact, that comment was made by Frank Quinlan, chief executive officer of the Mental Health Council of Australia. But I would like to come to an article that Professor Mendoza wrote on 16 February 2012, headed 'Mental health reform: we're on a road to nowhere …'. He starts the article with an observation—he had just come back from summer vacation—and he talks about his recent road trip. He says:

So when I got back from the summer holiday and heard that the Federal minister for Mental Health and Ageing, Mark Butler, had released a consultation, a Ten Year Roadmap for National Mental Health Reform, I thought great. Not another plan (to go with the four earlier five-year plans), not another policy or strategy or implementation plan, but a roadmap.

As I read and reread the Roadmap for National Mental Health Reform, the lyrics from the Talking Heads classic (part of my road trip music selection) went round in my thoughts: *We're on a Road to Nowhere.*
I attempted to critique the document and provide feedback by way of the survey monkey questionnaire set up to elicit comments from interested members of the community, but I simply gave up. How was a forced choice really allowing me to say what I thought of this document?

Again, it is a sort of Clayton's consultation that you have when you really do not want a consultation—you give people only two weeks and you do it over the Christmas vacation period.

Interestingly, Professor Mendoza continues:

The Roadmap for National Mental Health Reform, as it stands, is more like one of those bright, cheery tourist maps one picks up at a theme park where it doesn't seem to matter which way you orient the map, all roads lead to the souvenir shop or the food stalls where you can part with more money and the distances between exhibits or rides are just vague approximations.

On a more serious note, Professor Mendoza states:

This roadmap fails dismally on all the features one finds in a modern roadmap or GPS. Leaving the analogue aside momentarily, it fails to follow the evidence when it comes to effective public policy—clear articulation of the problem or challenge, clear goals or destinations, clear priorities, actions, milestones, timelines, resources and/or responsibilities.

In short, he says:

... it fails to articulate a destination or even a starting point. As I read, that song again: Road to Nowhere ...

I would like to remind the Senate that Professor John Mendoza was the Rudd government's hand-picked choice to be the inaugural chair of the National Advisory Council on Mental Health. He departed in disgust, mostly due to the neglect of mental health policy, and he made his views in relation to what the Rudd government was not doing very, very clear when he left in such utter disgust. In his article he states:

Critical to the journey of reform is what are the other key areas of reform—who else is on a reform road trip?

And then he makes reference to COAG. Surely COAG must part of this.

We know that in 2006 a substantial amount of money—$1.9 billion—was funded for mental health by the then Howard government. Up to a certain period there were progress reports but my recollection is that, since this government has been in power, we have not seen any progress reports on where that COAG money is being effectively spent. This is the criticism that was levelled by Professor Sebastian Rosenberg, Professor John Mendoza and Dr Leslie Russell, who, I would remind the Senate, is a former adviser to the then shadow health minister Julia Gillard. This article, which was published in the Medical Journal of Australia on 20 February 2012, is very critical of spending and very critical of the lack of progress and effective funding.

I will return to Professor Mendoza. Again, he goes back to the road map and says:

Or what about all those on the eight-lane health reform expressway—crikey, I can see they've got a traffic jam over there—a huge number of Medicare locals, local hospital networks, a couple of special vehicles it looks, the national pricing authority, the national performance authority, national preventative health agency and more.

He then talks about the red tape and all the new bureaucracies and basically concludes that this is a road to nowhere. (Time expired)

The ACTING DEPUTY PRESIDENT (Senator Stephens): Order! Senator Fierravanti-Wells, your time has expired.

Senator Fierravanti-Wells: I seek leave to continue my remarks later.

Leave granted; debate adjourned.
COMMITTEES
Consideration

The following orders of the day relating to committee reports and government responses were considered:

Privileges—Standing Committee—150th report—Whether there was any improper influence in relation to political donations made by Mr Graeme Wood and questions without notice asked by Senator Bob Brown and Senator Milne. Motion of the chair of the committee (Senator Johnston)—That—

(a) the Senate endorse the findings at paragraphs 1.56 and 1.59 of the 150th report of the Committee of Privileges and the conclusion, at paragraph 1.60, that no question of contempt arises in regard to the matter referred; and

(b) the Procedure Committee review the processes for raising and referring matters of privilege, as set out in paragraphs 2.23 and 2.24—agreed to.

Public Works—Joint Statutory Committee—Report—Seventy-fifth annual report. Motion of Senator Polley to take note of report agreed to.


Corporations and Financial Services—Joint Statutory Committee—Reports—Statutory oversight of the Australian Securities and Investments Commission—Report on the 2010-11 annual reports of bodies established under the ASIC Act. Motion of the chair of the committee (Senator Boyce) to take note of reports agreed to.


On the motion of Senator Fisher debate was adjourned till the next day of sitting.


Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—Report—Examination of the annual report of the Integrity Commissioner 2010-11. Motion of Senator Macdonald to take note of report called on. On the motion of Senator Kroger debate was adjourned till the next day of sitting.

Finance and Public Administration References Committee—Report—The operation of the Lobbying Code of Conduct and the Lobbyist Register. Motion of the chair of the committee (Senator Ryan) to take note of report agreed to.

Community Affairs References Committee—Report—Former forced adoption policies and practices. Motion of the chair of the committee (Senator Siewert) to take note of report agreed to.

Community Affairs References Committee—Report—Consumer access to pharmaceutical benefits—Government response. Motion of Senator Bushby to take note of document agreed to.

Education, Employment and Workplace Relations References Committee—Report—The administration and purchasing of disability employment services in Australia—Government response. Motion of Senator Bushby to take note of document agreed to.

Rural and Regional Affairs and Transport—Standing Committee—Report—Climate change and the Australian agricultural sector—Government response. Motion of Senator Kroger to take note of document agreed to.

Order of the day no. 10 relating to committee reports and government responses was called on but no motion was moved.
AUDITOR-GENERAL’S REPORTS

Consideration

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 25 of 2011-12—Performance audit—Administration of Project Wickenby—Australian Taxation Office; Australian Crime Commission; Australian Federal Police. Motion of Senator Bushby to take note of document agreed to.

Auditor-General—Audit report no. 26 of 2011-12—Performance audit—Capacity development for Indigenous service delivery—Department of Families, Housing, Community Services and Indigenous Affairs; Department of Education, Employment and Workplace Relations; Department of Health and Ageing. Motion of Senator Bushby to take note of document agreed to.

Auditor-General—Audit report no. 27 of 2011-12—Performance audit—Establishment, implementation and administration of the bike paths component of the Local Jobs Stream of the Jobs Fund—Department of Regional Australia, Local Government, Arts and Sport; Department of Infrastructure and Transport. Motion of Leader of the Opposition in the Senate (Senator Abetz) to take note of document agreed to.

BILLs

Judges and Governors-General

Legislation Amendment (Family Law) Bill 2012

First Reading

Bill received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:44): I move:

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

Question agreed to.

Bill read a first time.
For Governors-General, there is currently no scheme specific, separate interest arrangements in place to cover the splitting of superannuation pensions.

The Bill will address these issues by putting in place scheme specific arrangements for Judges and Governors-General which provide a separate interest benefit in the event of a family law split of the superannuation benefit.

As well as bringing the arrangements into line with family law policy and with the other Commonwealth superannuation schemes, the new arrangements will give the parties greater control over their respective individual benefits.

The proposed changes do not mean that the Commonwealth will be determining property settlements. The Family Court or the separating parties will decide whether the superannuation benefit is to be split and, if so, the amount or percentage of the split. The arrangements in the Bill will operate when a splitting order or agreement is made in relation to a superannuation interest in the scheme.

The interest of the Judge or Governor-General in the superannuation scheme will be valued at the time of the family law split and a separate interest for the former spouse will also be created at this time.

If a pension is not payable to the Judge or Governor-General at the time of the split, the pension for the former spouse will be deferred. The deferred pension will become payable when the former spouse reaches his or her retirement age, or before this if he or she is certified as permanently incapacitated. Once the Judge or Governor-General retires and commences a pension, that pension will be adjusted to take account of the amount transferred to the former spouse.

If at the time of the family law split a pension is being paid in respect of the Judge or Governor-General, the pension for the former spouse will be payable immediately and the pension of the Judge or Governor-General will be adjusted to take account of the amount transferred to the former spouse.

The Bill also includes transitional provisions to cover existing family law cases in the Judges’ Pensions Scheme. The transitional arrangements provide the former spouse with a separate interest pension from the date the legislation comes into force, based on the splitting percentage in the Court Order or Agreement. There are also safeguards to make sure that there would be no unintended consequences for the parties arising from the proposed new arrangements.

The reforms proposed by the Bill are an important step to align the family law splitting arrangements for Judges and Governors-General with family law principles, and to bring consistency to the family law arrangements across the Commonwealth defined benefit superannuation schemes.

Question agreed to.

Bill read a second time.

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.

COMMITTEES

Scrutiny of Bills Committee
Alert Digest

Senator IAN MACDONALD (Queensland) (19:45): I lay on the table the Scrutiny of Bills Committee Alert Digest.

Ordered that the report be printed.

BILLS

Electoral and Referendum Amendment (Maintaining Address) Bill 2011

Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012

First Reading

Bills received from the House of Representatives.

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:46): I move:
That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

Second Reading

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:46): I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

ELECTORAL AND REFERENDUM AMENDMENT (MAINTAINING ADDRESS) BILL 2011

I am pleased to present a bill to amend the Electoral Act and the referendum act to deliver a more accurate electoral roll.

This bill will allow the Electoral Commissioner to directly update an elector's enrolled address following receipt and analysis of reliable and current data sources from outside the Electoral Commission. The bill is consistent with legislation already operating in Victoria and New South Wales.

Information from reliable sources is already used by the Electoral Commission to monitor the accuracy of the roll. The Electoral Act does not currently permit the Electoral Commission to use this information to update the elector's enrolled address.

The Electoral Commission currently uses this information as the basis to remove someone from the electoral roll. The result is that eligible electors are being removed from the roll despite the fact that the Electoral Commission has accurate information on the elector's current address. This restriction is having a detrimental effect on enrolment.

This bill will enable the Electoral Commission to deliver a more accurate electoral roll. The Electoral Commissioner will be permitted to use accurate and timely information from reliable sources to maintain the current address of already enrolled electors. This bill will ensure that an elector will be notified of the Electoral Commissioner's intention to enrol him or her at a new address and be given the opportunity to object to the change.

The bill will not provide the capacity to directly enrol new electors. Persons who are not on the roll will need to enrol in accordance with the current requirements in the Electoral Act.

The bill will assist in meeting the urgent need to arrest the decline in enrolment rates across Australia by ensuring the federal electoral roll is as current and accurate as possible.

It will also ensure that the roll sits in harmony with rolls in those states where trusted source enrolment currently takes place.

ELECTORAL AND REFERENDUM AMENDMENT (PROTECTING ELECTOR PARTICIPATION) BILL 2012

It is just over 100 years since the Australian Parliament voted to introduce a scheme of compulsory enrolment. Since the scheme commenced in 1912, it has served Australia well.

As late as 2001, the Australian National Audit Office commented that the electoral roll was likely to be 95 per cent complete.

Things have changed. The Australian Electoral Commission now estimates that only 90 per cent of eligible Australian citizens are actually enrolled to vote.

That is one and a half million Australian citizens who cannot choose their representatives in Parliament. One and a half million Australians who cannot have their say when proposals to change Australia's constitution are put to the people. That is one and a half million Australians excluded from exercising one of the most important rights - and responsibilities - of their citizenship.

This Bill will protect the participation of eligible Australian citizens in the electoral process by establishing a safety net for enrolment and voting.

It is just that – a safety net. The Bill will not change the grounds on which a person becomes
entitled to enrol and vote. This amendment will not affect the integrity of the electoral Roll.

The Bill will protect elector participation in two key ways.

Firstly, the Bill will ensure the accuracy and completeness of the Roll by allowing the Electoral Commissioner to directly enrol a person if the Electoral Commissioner is satisfied that the person is:

- entitled to enrolment;
- has lived at an address for at least one month; and
- the person is not currently enrolled.

If the Electoral Commissioner is satisfied that a person meets these criteria, the Bill allows the Electoral Commissioner to give the person notice in writing that the Electoral Commissioner proposes to enter that person's name and address on the electoral Roll.

This notice will advise the recipient that they have 28 days to inform the Electoral Commissioner that they do not live at that address or are not entitled to enrolment.

The Bill provides the opportunity for a person to seek a review of a decision, including by the Administrative Appeals Tribunal.

It is expected that the Electoral Commissioner will use data from sources external to the Electoral Commission to identify people who are entitled to be on the electoral Roll, but are not. This is similar to the successful processes currently used in New South Wales and Victoria.

Information from reliable sources is already used by the Electoral Commission to monitor the accuracy of the Roll and to remove a person from the Roll through objection action. The Electoral Act does not currently permit the Electoral Commission to use this information to enrol a person.

Rather than use the information to object a person off the electoral Roll, it is expected that the Electoral Commission will analyse the most reliable and current data available to facilitate a person's enrolment.

It is not an automatic process. Every potential elector will be given an opportunity to dispute the information before any action occurs.

In its report on the March 2011 election, the New South Wales Electoral Commission advised that their SmartRoll process had a 93 per cent success rate for all enrolment transaction types. There is no reason to think that a similar high success rate could not be replicated at the Federal level for new enrolments.

The second way in which the Bill will protect elector participation is by ensuring that certain people who have been removed from the electoral Roll by objection action will have their votes admitted to further scrutiny.

This will take place after the Electoral Commission has verified the elector's entitlement to enrolment and voting.

The existing law provides that where electors have been removed from the electoral Roll due to an administrative error or mistake of fact, their votes can be admitted to further scrutiny after the Electoral Commission has verified the elector's enrolment and voting entitlement.

However, being removed from the Roll through objection action does not currently constitute an administrative error or mistake of fact.

The Bill removes this limitation to ensure that an administrative error or mistake of fact does not hinder an otherwise eligible elector from exercising their right to vote at an election.

The Bill further provides that the Electoral Commissioner may enrol a person who casts a declaration vote if they meet certain criteria.

These are that:

- the person has made a declaration vote;
- the declaration envelope satisfies the requirements of Schedule 3 to the Commonwealth Electoral Act;
- the person is entitled to be enrolled for the Division; and
- the person was omitted from the electoral Roll for the Division due to an administrative error by an officer or to a mistake of fact.

The Bill leaves unchanged the rule that if a redistribution, or more than one election, has occurred between the removal from the Roll and
the current election the new provisions do not apply.

The process undertaken by a citizen to enrol to vote has remained largely unchanged for a century. One hundred years is a long time to keep a process, even one that has served Australia well.

With the trend in declining enrolment participation, it is no longer possible to keep doing the same things in the same way, particularly as superior processes have been successfully implemented in New South Wales and Victoria.

The Bill provides the Electoral Commissioner with the ability to use modern processes to protect the participation of eligible Australian citizens in the electoral process. This is fundamental to maintaining the strength and resilience of our democratic system of government.

Question agreed to.

Bills read a second time.

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.

Telecommunications Universal Service Management Agency Bill 2011

Telecommunications Legislation Amendment (Universal Service Reform) Bill 2011

Returned from the House of Representatives

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

Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 [2012]

Returned from the House of Representatives

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

Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011

National Health Amendment (Fifth Community Pharmacy Agreement Initiatives) Bill 2012

Education Services for Overseas Students Legislation Amendment (Tuition Protection Service and Other Measures) Bill 2011

Education Services for Overseas Students (Registration Charges) Amendment (Tuition Protection Service) Bill 2011

Education Services for Overseas Students (TPS Levies) Bill 2011

Assent

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

COMMITTEES

Publications Committee

Report

Senator McEWEN (South Australia—Government Whip in the Senate) (19:48): On behalf of the Chair of the Publications Committee, I present the 15th report of the Publications Committee.

Ordered that the report be adopted.

Education, Employment and Workplace Relations Legislation Committee

Environment and Communications Legislation Committee

Finance and Public Administration Legislation Committee

Foreign Affairs, Defence and Trade Legislation Committee
Rural and Regional Affairs and Transport Legislation Committee

Additional Information

Senator McEWEN (South Australia—Government Whip in the Senate) (19:48): I present additional information received by committees relating to estimates.

Community Affairs Legislation Committee

Additional Information

Senator McEWEN (South Australia—Government Whip in the Senate) (19:48): On behalf of the Chair of the Community Affairs Legislation Committee, Senator Moore, I present additional information received by the committee on its inquiry into the provisions of the Social Security Legislation Amendment Bill 2011 and two related bills.

Regulations and Ordinances Committee

Documents

Senator McEWEN (South Australia—Government Whip in the Senate) (19:49): On behalf of the Chair of the Standing Committee on Regulations and Ordinances, Senator Furner, I present a volume of ministerial correspondence relating to the scrutiny of delegated legislation for the period August to December 2011.

BUSINESS

Days and Hours of Meeting

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:49): I move:

That the Senate, at its rising, adjourn till Tuesday, 8 May 2012, at 12.30 pm, or such other time as may be fixed by the President or, in the event of the President being unavailable, by the Deputy President, and that the time of meeting so determined shall be notified to each senator.

Question agreed to.

Leave of Absence

Senator FARRELL (South Australia—Parliamentary Secretary for Sustainability and Urban Water) (19:50): I move:

That leave of absence be granted to every member of the Senate from the end of the sitting today to the day on which the Senate next meets.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Stephens) (19:50): Order! I propose the question:

That the Senate do now adjourn.

Hurley, Mr Frank

Senator FAULKNER (New South Wales) (19:50): This year, 2012, marks the 50th anniversary of the passing of Frank Hurley—photographer, filmmaker, explorer. Hurley was at the centre of many of the 20th century's great events—exploration in Antarctica and New Guinea and both world wars. His art would help tell Australia's story, a story about a young nation's optimism and emerging self-awareness. Hurley's lens shaped much of what we understand about those events and that era. Many of the images in our mind's eye are Hurley's images. We should remember his remarkable achievements. James Francis Hurley was born in 1885 in Sydney's working-class Glebe. Early on, he displayed an adventurous streak, running away from home at the age of 13 by stowing away on a train bound for Lithgow. Returning home two years later, he was encouraged by a workmate to try his hand at photography. He was immediately captivated, saying that in photography:

I knew I had found my real work, and a key, could I but become its master, that would perhaps unlock the portals of the undiscovered world.

Hurley would spend much of the rest of his life exploring the undiscovered world. He
initially made a name for himself as a member of two Antarctic expeditions—the first in 1911 with Sir Douglas Mawson when he, aged just 26, captured some of the first images of the frozen southern continent. This expedition would serve as a prelude to his second visit as part of Shackleton's bid to traverse Antarctica. Hurley records the heroic efforts and miraculous survival of Shackleton's party, capturing the compelling drama of man pitted against a harsh and indifferent environment. His pictures of the helpless *Endeavour* being devoured by the winter's pack ice are haunting still—a graphic visual image of powerlessness in the face of immense forces of nature.

Hurley would go on to serve as the official photographer with the Australian Imperial Forces during World War I. His images explore the ferocity, futility and brutality of war: in Palestine, Ypres and desolate French forests decimated by artillery. It is a tribute to the artist that from these images we also get a sense of the humanity and camaraderie that existed amidst the devastation. After the war Hurley would go on to explore the upper reaches of the Fly River in New Guinea and document Moir and Owen's failed attempt in 1928 to break the aviation record from Sydney to England. He would also accompany Mawson on two further expeditions to the Antarctic, although he was disappointed by the experience, lamenting that 'the days of romantic Polar exploration are gone'.

Between the wars Hurley took a job with Cinesound Studios where he worked on a number of films, including in 1933 *The Squatter's Daughter*, in 1935 *Grandad Rudd* and in 1932 *Symphony in Steel*, which is a tribute to Sydney's Harbour Bridge. But then, as war again engulfed Europe, Hurley would embark on one last adventure, serving in the Middle East and covering such events as Operation Compass, the siege of Tobruk and Montgomery's counter-offensive at El Alamein. Reflecting on his time as a war photographer, he would write:

It is a vocation that constantly calls for a life stake and one must be prepared to play with chance perhaps even more than in most branches of the services.

On returning home Hurley entered the final phase of his artistic life where he became, in the words of one critic, 'the face of scenic photography'. He would traverse the country and, through his books, present Australia to Australians. Hurley's Australia is place of opportunity and optimism and, to be fair, a certain cautious insularity too. As John Thompson, who has written much about Frank Hurley, argues in critiquing this period of Hurley’s work:

… [the] man who had once travelled the world [was] to give Australians the means for understanding and appreciating their own country. He did so in terms of the cultural limitations and social prejudices of the day. Hurley's vision was clear [and] uncomplicated … It was not a vision that encompassed plurality, diversity or complexity.

Through these images postwar Australia saw itself. To his critics and admirers alike, Hurley was a showman, raconteur and storyteller. He told stories not only of high adventure and national pride, of humanity's capacity to overcome, but also of its faculty for cruelty and its insignificance when compared to nature's elements. In summing up his life Hurley said:

I have lived a life that suited me best. I took risks and never regretted them. If I could start again, I would do everything the same.

We should be thankful for the risks that Frank Hurley took and grateful for the contribution he made to the nation's cultural life.
rise to respond to the Standing Committee of Privileges report on whether there was any improper influence in relation to political donations made by Mr Graeme Wood in questions without notice asked by Senator Bob Brown and Senator Milne. On 22 November 2011, I sent the President a 138-page submission on the actions of Senator Brown and the Greens to assist Mr Wood's purchase of the Triabunna woodchip mill. On 23 November, the President gave precedence to a motion, passed by the Senate on 24 November, for this matter to be inquired into by the committee. Lawyers in their submission on behalf of Senators Brown and Milne claimed that I conflated Senator Brown's negotiation of the $1.6 million donation from Graeme Wood, which occurred in May 2010, with Mr Wood's efforts to buy the Triabunna woodchip mill—

Senator Hanson-Young: Mr President, I rise on a point of order. I draw your attention to standing order 194. Pursuant to order 194, it is not in order during an adjournment debate to revive matters already debated, and I would ask for your ruling on that.

Senator Ian Macdonald: On the point of order, Mr President, what Senator Kroger might be going to say—and we are not clear about that yet because we have not heard—is clearly quite different from what Senator Hanson-Young has said. I appreciate Senator Hanson-Young and the Greens coterie down there—who, we note, are obviously planning a leadership coup, and good luck to you—but I do not think that there is anything in the point of order and, indeed, Senator Kroger is quite within her rights to talk about the general issue of the subject of her speech.

The PRESIDENT: There is no point of order. Senator Kroger is entitled to address the issues.

Senator KROGER: Just as a matter of clarification, I am making some observations on the report that was brought down by the Privileges Committee. Mr Wood's efforts to buy the Triabunna woodchip mill in mid-2011 is something, it was claimed, which could not possibly have been foreseeable at the time of his donation. This is absolutely false. My submission clearly stated that the $1.6 million was negotiated in May 2010 and that this funded the Greens ad campaign at the 2010 election. I did not submit that this negotiation was some incredibly prescient bribe but rather an arrangement which led Senator Brown to advance Mr Wood's commercial interest when the Triabunna purchase arose. In terms of Privilege Resolution 63, it was an arrangement which had the effect of controlling Senator Brown's independence. In short, it was a significant, personally negotiated donation, indeed, the biggest ever in Australia's history and by his own words, Senator Brown said—

Senator Hanson-Young: On a point of order, Mr President, if indeed this is not disorderly under standing order 205, 'pursuing a quarrel between senators', could you please outline to the chamber why that is?
The PRESIDENT: I do not have to give a reason at all. It is within the standing order for Senator Kroger to be going down the path and the line that she is going. That is the issue. It is within the standing order, therefore Senator Kroger is entitled to pursue her point.

Senator Hanson-Young: Mr President, I would ask you to take on notice that what Senator Kroger is speaking about does not reflect standing order 205.

Senator Ian Macdonald: If that is another point of order, then I would urge the Greens to go back to plotting a change of leadership in their party. Senator Kroger is talking about a committee report of this parliament. The Privileges Committee has reported to parliament; Senator Kroger did not have the opportunity to speak to the Privileges Committee report when it was tabled. She is doing it now.

The PRESIDENT: Senator Kroger, continue.

Senator KROGER: As I was saying, it was by virtue of his position of influence as Leader of the Greens and that of other Greens, principally Senator Milne. My submission did not suggest that Senator Milne acted corruptly, though certainly this implication was drawn in relation to Senator Brown's behaviour. The committee's report noted that each paragraph of the terms of reference required it to consider whether an improper arrangement was sought or put in place. I reiterate, I did not assert that Mr Wood improperly offered his $1.6 million donation. Nor did I assert that Senator Brown improperly sought it.

The committee report also observes that, while I offered evidence that conduct occurred that aligned with Mr Wood's interests, I did not provide evidence of a causal connection. But I did demonstrate that Senator Brown acted at every turn to advantage Mr Wood's bid and damage his competitor's. Senators Brown and Milne explained this behaviour as nothing but the pursuit of longstanding policy objectives, while the Privileges Committee report discusses conduct 'which aligned with Mr Wood's interests'. But, on no fewer than 17 occasions, Senator Brown, Senator Milne and Greens took action in the Senate, the media and elsewhere which favoured Mr Wood's bid. This saw contortions whereby Senator Brown and the Greens opposed Gunns getting—

Senator Wright: Mr President, I draw your attention to standing order 193(3) and I submit that by rehashing this ground Senator Kroger is indeed making an imputation of improper motives. I think that any fair person listening would actually see that that is what she is doing by re-traversing ground which has already been the subject of the Privileges Committee report, at which point it was found that there was no evidence for any imputations.

The PRESIDENT: There is no point of order.

Senator KROGER: Thank you, Mr President. This saw contortions whereby Senator Brown and the Greens opposed Gunns getting any money from the Tasmanian Forests Intergovernmental Agreement when Gunns were negotiating to sell their woodchip mill to the Aprin logging consortium. But, inexplicably, they did not oppose Gunns getting money when they sold the mill to Wood. For 10 days Senator Brown railed against Forestry Tasmania receiving money from the IGA as settlement of its claim against Gunns, only to change his criticism after Gunns reached a settlement with the Tasmanian government which involved $11.5 million being paid to Forestry Tasmania.
Significantly, the committee states that my submission only contained circumstantial evidence and that it must therefore prefer the accounts of Senators Brown and Milne. Well, I say the circumstantial evidence is very, very strong and, I would argue, insurmountable. I believe the test is whether or not Senator Brown would have at every turn acted to advantage Mr Wood’s bid for the woodchip mill if Mr Wood had not given the Greens the $1.6 million donation. Would any other senator have gone to the lengths that Senator Brown and the Greens did to advantage a businessman’s purchase of a specific property in which he gained a $6 million benefit on the purchase price?

Senator Hanson-Young: Mr President, I raise a point of order. I draw your attention again to standing order 193. The senator is clearly reflecting on motives of Senator Brown and Senator Milne, and indeed other members within this place, incorrectly. This issue has been canvassed by the Privileges Committee. There has been a decision. It is not anyone else’s fault but Senator Kroger’s that she continues to be the puppet of Senator Abetz in this issue and continues to prosecute this case despite the fact that it has been knocked out of the park.

The PRESIDENT: There is no point of order. Senator Kroger.

Senator KROGER: I will move along a little bit. I think it is particularly interesting that you are being very critical of the outcome and the findings of the Privileges Committee, given that they have actually said—

The PRESIDENT: Senator Kroger, address your comments to the chair, not to others in the chamber.

Senator KROGER: Thanks, Mr President; I will return to my reflections. The title of the Privileges Committee report, Whether there was any improper influence in relation to political donations made by Mr Graeme Wood and questions without notice asked by Senator Bob Brown and Senator Milne, suggests that the committee was also focused on this issue rather than the public advocacy and manoeuvring on behalf of Mr Wood’s interests. Given so many of Senator Brown and Senator Milne’s actions on behalf of Mr Wood’s purchase happened outside the parliament, perhaps we may have to wait for Senator Brown’s parliamentary integrity commissioner—a part of the Labor-Greens agreement which seems to have slipped his mind—in order to examine these events more fully.

While on this point, though, the submission on behalf of Senators Brown and Milne states that there is no basis for the allegation that the sale to Triabunna Investments was conditional on any compensation being paid to Gunns.

Senator Wright: Mr President, with respect, I would be hard pressed to think what would be an imputation of motive—

Senator Ian Macdonald: Do you have a point of order?

Senator Wright: The point of order is in relation to standing order 193. What I am saying is that if there has not been an imputation of motive in what Senator Kroger is saying, it would be hard to imagine what would actually constitute an imputation of motive. What has been said is going to be on the Hansard record. My submission is that it is indeed an imputation of motive, over and over again, basically accusing of improper motives inside and outside the parliament. I want to make that very clear and have that on the record.

The PRESIDENT: There is no point of order.

Senator Ian Macdonald: Mr President, I have a point of order. These are vexatious points of order which you have already
commented upon in this parliament. We have four people in the Greens political party plotting a leadership challenge, but each one of them has got up and raised—

The PRESIDENT: That is debating the issue.

Senator Ian Macdonald: I am not debating the issue, Mr President. What I am saying is you have continually ruled in the last five minutes that there is no point of order. In spite of your rulings, and in challenge of your rulings, the Greens continue to raise frivolous points of order which you have already ruled upon. I ask you to warn them and if they cannot abide by your rulings I ask you to remove them from the chamber.

The PRESIDENT: There is no point of order.

Senator Hanson-Young: Mr President, I would also now like you to reflect on the comments made by Senator Macdonald reflecting on motives of both me and others in this chamber. It seems that that in itself is in breach of standing order 193.

The PRESIDENT: There is no point of order. Senator Kroger, you have got three minutes and 27 seconds remaining.

Senator KROGER: I will return to the submission of Senators Brown and Milne. It cites the Gunns stock exchange announcement that their sale of the woodchip mill to Wood's Triabunna Investments was to complete on 15 July 2011, before much of the Greens' manoeuvring on Wood's behalf. Much turns on this. Yet the glib arguments on this point by lawyers for Senators Brown and Milne studiously ignore the fact that Gunns had a hold over the sale, that there were two successive 60-day priority notices lodged over the woodchip mill's transfer to Wood's Triabunna Investments, and that the transfer of this property had still not been registered as at 11 October 2011.

The committee has accepted Senator Brown's word that his actions were not influenced by the donation. By his own account, Senator Brown first learnt of Mr Wood's proposal to develop the woodchip mill on ABC TV. He has said, 'Knowing the man I contacted him and said I thought it was a good idea,' following which they spoke a couple of times. The ABC TV report about Mr Wood trying to buy the Triabunna mill went to air on 10 June. In the Weekend Australian a month earlier, Matt Denholm wrote:

The Weekend Australian can confirm that players in the environment movement floated the idea of a consortium to buy the Triabunna mill in order to shut it and develop the site for tourism. The idea to form a consortium to buy the Triabunna mill and develop the site for tourism was around in the Tasmanian environment movement at least a month before Senator Brown claims he heard about it.

Senator Hanson-Young: Mr President, I raise a point of order. I draw your attention to standing order 196, which relates to tedious repetition. We have heard this argument over and over again. We now see Senator Kroger re-prosecuting a case that she has already lost. Loser—l-o-s-e-r. She has lost.

The PRESIDENT: You are debating the issue.

Senator Hanson-Young: Absolutely no way should we be seeing an adjournment debate taking place that reflects on the motives of a senator.

The PRESIDENT: You are debating the issue. Come to your point of order.

Senator Hanson-Young: My point of order, Mr President, is that I ask you to
reflect on standing order 196, which concerns tedious repetition.

The PRESIDENT: There is no point of order. Senator Kroger has one minute and 51 seconds remaining.

Senator KROGER: Thank you, Mr President. I will refrain from speaking in the same manner and being abusive like those on the crossbenches over there. This is difficult to believe, given Senator Brown's intimate involvement in the Tasmanian environment movement and his bevy of staff, who should have drawn the media speculation to his attention. Interestingly, Senator Brown said he learned of Mr Wood's *Global Mail* venture when he read of it in the paper. May I say that is another coincidence.

So we have Mr Graeme Wood bankrolling the *Global Mail*. Senator Brown makes a submission to the media inquiry advocating tax deductibility for not-for-profit ventures. Monica Attard makes a submission advocating the same measure and the media inquiry makes a sympathetic recommendation mentioning the *Global Mail*—a great coincidence, I am sure. Given that Senator Brown—

Senator Waters: Mr President, it is with great reluctance that I rise on a point of order on not just the clear imputations again being made against members of this House but also personal reflections on other folk, both of which are precluded under standing order 193(3). I ask if you could kindly explain for our benefit what could possibly contravene that standing order if this does not.

The PRESIDENT: There is no point of order—I can tell you that. I will be looking at the *Hansard* of this speech and, if it is necessary, I will come back to the chamber.

Senator BACK (Western Australia) (20:17): I wish to draw the attention of the chamber this evening to the importance of an industry that I believe is under the radar and should not be: the importance and relevance of the horse industry to this country. For too long Australians have failed to recognise and accept the horse industry as a genuine industry in its own right. It may be of interest to the listening audience and to those in the chamber that we believe there are in excess of one million horses in this country. The horse is intimately associated with the history and romance of this country, which I hope in the next few minutes to outline to the chamber.

It was in 1976 that I commenced the first university course on the horse industry in Australasia. In 1979 I took a group of students to the UK, France, Germany and Italy. It became apparent that there was no equivalent course of study there either. I then had the pleasure, opportunity and privilege in 1979–80 and again in 1984 to work at the University of California at its Davis campus and in 1980 to be on the faculty of the University of Kentucky in Lexington during the horse breeding season. So it was with some pride that I was able to come back and report to my Curtin University in Perth that we had the first university course of study on the horse industry in the world. Why did I start that course? It was in recognition that an industry so valuable and important to
Australia needed an improvement in terms of tertiary qualified people.

It might be of interest to know what the impact the horse industry has on this country. Regrettably, we do not have adequate figures from all sectors of the horse industry, although certainly over time they are improving for the thoroughbred industry through Racing Australia. I know that the standardbred industry in Australia is also collating more accurate figures. In addition to what I will refer to as the commercial horse industry—being the thoroughbred and standardbred racing and breeding industries—we also have the enormity of the pleasure horse and the performing horse industries in this country.

Wagering alone on horses in Australia exceeds some $20 billion per annum—20,000 million dollars. That breaks down into some $14½ billion on thoroughbred racing and some $2½ billion on standardbred racing, and we know that greyhound racing is also a popular pastime and sport. Of equal importance to the Australian community is the fact that federal government and the state governments enjoy the benefit of some $1 billion per annum without any risk or investment from the horse industries, that being made up of some $560 million into federal coffers and some $610 million in 2010-11 into the coffers of the states and territories. I remind you again, Mr President, those amounts are created without risk and without any investment by the federal government or the state governments. There is a further sum of money, that being the revenue from unclaimed winnings that go into state government coffers. It has been a regret for me over time that state governments have not been willing to at least share some of those dollars back to the horse industry. I think, for example, of horse industry diseases, which would have benefited from some income back from the unclaimed dividends. I think also of the wonderful project near the Tullamarine airport in Victoria called Living Legends. Living Legends is a farm for older geldings. Of course, the stallions and the mares go in for breeding purposes, but the older geldings end up at Living Legends and people can go and have a look at those wonderful thoroughbred champions of the past—those that have given us so much joy and so much pleasure. They are there for people to view. But it is unfortunate that governments have chosen to not even share a small portion of funding from that.

The horse industry's contribution to GDP exceeds 0.6 per cent. In cash terms, the thoroughbred industry alone contributes some $6.3 billion a year to the Australian economy. When you include the contribution of volunteers, that figure goes up to a figure exceeding $8 billion. At the moment we contribute some $800 million of exports from all states, particularly the eastern states of Queensland, New South Wales and Victoria and, to some extent, Western Australia. The potential will be when the Chinese racing industry becomes established—it is now in its infancy—and Australia will be uniquely positioned to be able to compare.

I will now conclude and, at some stage in the future, I hope to have the opportunity to continue my comments on the importance and significance of the horse industry—on the emotional tie, on the historic tie, and on those who took horses away in World War I. And of course we know only one horse ever came home—that being Sandy, for the occasion of General Bridge's funeral. Whilst time does not permit me to develop the theme, I would like to leave the chamber and those listening with the view that the horse industry rightfully stands in this country as a legitimate industry in its own right and one that should receive recognition. I hope
during my time in this place to make sure that it earns that rightful place.

**Gillard Government**

**Senator McEWEN** (South Australia—Government Whip in the Senate) (20:24): Thank you, Senator Back, for cooperating with sharing the remaining time. This has been a red-letter week for the Australian government and for the people of Australia. The Gillard government has passed some truly significant legislation, implementing great Labor policy, and we have made some significant announcements about great Labor initiatives. The Gillard government puts the Labor principles of fairness and caring at the heart of all we do and, despite the best efforts of the noalition to govern only on behalf of their wealthy mates and their donors, we have fought off their attacks on fairness and we have prevailed.

On Monday the Senate passed the Minerals Resource Rent Tax bills. That means that we will be able to spread the benefits of the mining boom to all Australians. The MRRT will mean tax breaks for 2.7 million Australian small businesses, it will mean a boost in superannuation savings for 8.4 million Australian workers, and it will mean a massive investment in roads, bridges and other infrastructure, including in our resource-rich states.

On Tuesday the government passed the Road Safety Remuneration Bill. This legislation will, for the first time, put in place a mechanism for the industry to balance the need for companies to make profits and for drivers to earn a decent wage. As was discussed in that debate, the pressure on transport workers to drive further, faster and at the lowest possible cost comes at a huge cost. It compromises road safety for all Australians, it causes stress and injury to truck drivers and, too often, it results in fatal accidents. I would like to congratulate the Transport Workers Union and all their delegates, who worked so hard to get government support for this great initiative. And I acknowledge the work of my Senate colleagues, especially Senators Sterle, Gallacher and Furner, who stood here and stared down those opposite whose contributions to the debate were insensitive, wrong and outrageous.

Also on Tuesday, the Senate passed the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill. That bill demolished the ABCC, an obnoxious creature of the Howard government and of the era of Work Choices. The ABCC was notorious for its unnecessary powers of interrogation and also for its lack of success despite those draconian powers. The government is committed to a more conciliatory, cooperative process of addressing matters that may arise in the construction industry, and we will do that through the auspices of the Fair Work Building Inspectorate. I would like to congratulate all the building unions—the CFMEU, the AMWU, the ETU and others—for their campaign to get rid of the ABCC.

On Wednesday we passed the Fair Work Amendment (Textile, Clothing and Footwear Industry) Bill—again, important legislation that has at its heart protection of some of Australia's most vulnerable workers. I am talking about outworkers—mainly women, mainly migrants, low paid and hardworking, often in deplorable conditions. The legislation we passed enhances provisions of the Fair Work Act to contract outworkers in the industry and to provide a mechanism to enable TCF outworkers to recover unpaid amounts up the supply chain. It will improve the right of entry provisions for union officials so that they can have better access to the places
where those outworkers are and so that they can work with those Australian workers to improve their basic conditions in areas like health and safety and access to dispute resolution. Again, my thanks go to another union, the Textile, Clothing and Footwear Union, for their long, compassionate and successful campaign on behalf of their members and others who earn their living as outworkers. I was pleased to see that legislation passed in the House of Representatives today.

It would come as no surprise that the coalition, the party that has no policy except to say no and the party of Work Choices, voted against all of those pieces of Gillard government legislation that I was very, very proud to vote for.

As well as the legislation that we passed this week, we also made announcements about significant initiatives—one about skills and training and the other about further support for Australia's automotive industries. Saving jobs and skilling our workers is core Labor business. Putting in place the opportunity for all Australians to improve their skills and to get a good job is also core Labor business. This week the Gillard Labor government announced an extra $1.57 billion over five years that we will put on the table to assist more Australians to secure a training place, and we will work with the states to implement changes to our training system to enable more people to get to a certificate III or higher qualification. We know that unskilled jobs in Australia are disappearing and we need to work hard and fast to ensure that we can train up to an additional 2.1 million workers that Australia is going to need in the five years to 2015. Finally, just today—the last day of our red-letter week—we announced further investment in our automotive industry. I was thrilled to see our Prime Minister, Julia Gillard; the Premier of South Australia, Jay Weatherill; the Premier of Victoria, Ted Baillieu; and management and workers of Holden welcome the federal Labor government's investment of $215 million into the automotive industry. In return for that investment, Holden has agreed to inject over $1 billion into car manufacturing in Australia and to make two Next Generation vehicles here that will be cheaper to run and better for the environment. Holden has estimated that that new investment package will return about $4 billion to the Australian economy. Most importantly, it will ensure that the jobs in the automotive industry in Australia continue and that the research that is associated with the automotive industry will also continue and have benefits in the manufacturing industry across Australia.

In closing, I would of course like to thank the automotive industry unions, who worked so hard and so cooperatively with their employers to bring about that package and to put the wood on us here in the government to ensure that we committed to the future of that industry. Our record stands in sharp contrast to the Leader of the Opposition's reckless policy on the automotive industry, which is to cut $500 million out of industry support between now and 2015 and to give no commitment beyond that date. We know that we will have a sustainable automotive industry in Australia for the future. I am looking forward to more red-letter weeks like the one we have just had.

**Senate adjourned at 20:31**

**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.]
Aged Care Act—
Aged Care (Residential Care Subsidy—Amount of Accommodation Supplement) Determination 2012 (No. 1) [F2012L00607].
Aged Care (Residential Care Subsidy—Amount of Concessional Resident Supplement) Determination 2012 (No. 1) [F2012L00606].
Aged Care (Residential Care Subsidy—Amount of Concessional Resident Supplement) Determination 2012 (No. 1) [F2012L00602].
Aged Care (Residential Care Subsidy—Amount of Transitional Accommodation Supplement) Determination 2012 (No. 1) [F2012L00601].
Aged Care (Residential Care Subsidy—Amount of Transitional Supplement) Determination 2012 (No. 1) [F2012L00603].

User Rights Amendment Principles 2012 (No. 1) [F2012L00605].

Aviation Transport Security Act—Select Legislative Instrument 2012 No. 5—Aviation Transport Security Amendment Regulation 2012 (No. 1) [F2012L00266]—Explanatory statement [in substitution for explanatory statement tabled with instrument on 27 February 2012].

Broadcasting Services Act—Broadcasting Services (Primary Commercial Television Broadcasting Service) Amendment Declaration 2012 (No. 2) [F2012L00635].

Civil Aviation Act—Civil Aviation Safety Regulations—
Airworthiness Directive—AD/A320/140 Amdt 1—Relay 11QG Relocation & Test [F2012L00608].
Australian Technical Standard Order C1006 [F2012L00641].
Instrument No. CASA EX38/12—Exemption—flight in class D airspace within 16 kilometres of an aerodrome [F2012L00637].
Revocation of Airworthiness Directives—Instrument No. CASA ADCX 007/12 [F2012L00623].
Commissioner of Taxation—Public Rulings—
Taxation Determination—Notice of Withdrawal—TD 96/43.

Customs Act—Tariff Concession Orders—
1133648 [F2012L00636].
1134244 [F2012L00616].
1134245 [F2012L00622].
1134258 [F2012L00618].
1134344 [F2012L00619].
1134586 [F2012L00640].
1134600 [F2012L00639].
1134707 [F2012L00630].
1134798 [F2012L00632].
1134871 [F2012L00629].
1135149 [F2012L00628].
1135313 [F2012L00620].
1135316 [F2012L00631].
1135476 [F2012L00624].
1135477 [F2012L00621].
1135479 [F2012L00634].
1135481 [F2012L00612].
1135485 [F2012L00624].
1135623 [F2012L00633].
1135714 [F2012L00638].
1135768 [F2012L00625].
1135770 [F2012L00627].
1135848 [F2012L00643].
1135850 [F2012L00642].
1135920 [F2012L00617].
1135921 [F2012L00614].
1136055 [F2012L00615].

Do Not Call Register Act—Do Not Call Register (Duration of Registration) Specification (No. 1) 2010 (Amendment No. 1 of 2012) [F2012L00611].

Environment Protection and Biodiversity Conservation Act—Amendments of lists of—
Exempt native specimens—EPBC303DC/SFS/2012/13 [F2012L00610].
Specimens taken to be suitable for live import—EPBC/s.303EC/SSLI/Amend/052 [F2012L00609].


Private Health Insurance Act—

Private Health Insurance (Benefit Requirements) Amendment Rules 2012 (No. 1) [F2012L00604].

Private Health Insurance (Complying Product) Amendment Rules 2012 (No. 1) [F2012L00599].

**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 2011—

Australian Public Service Commission.

Education, Employment and Workplace Relations portfolio.

Foreign Affairs and Trade portfolio.

Health and Ageing portfolio.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Immigration and Citizenship
(Question No. 1548)

Senator Abetz asked the Minister representing the Minister for Immigration and Citizenship, upon notice, on 9 February 2012:

Is the department aware of any cases where section 457 visas are being used to replace existing workers; if so, are section 457 visas being used within Westpac Banking Corporation to replace all software development and testing roles with information technology staff from India.

Senator Lundy: The Minister for Immigration and Citizenship has provided the following answer to the honourable senator's question:

The department is aware of allegations in the media that Westpac's Australian employees are being made redundant after training the overseas workers that will replace them. The department assesses all allegations and takes appropriate investigative action.

The 457 visa is available to businesses to sponsor overseas workers where they have a genuine need to fill a skilled position in Australia. It cannot be used to train overseas workers in an occupation.

It is longstanding government policy to not disclose information about individual sponsor's use of the 457 visa program.

Uranium Exports
(Question No. 1566)

Senator Ludlam asked the Minister representing the Minister for Resources and Energy, upon notice, on 27 February 2012:

(1) Has the department provided advice to the Minister, the Ministers office or the New South Wales Government or its agencies regarding uranium deposits or the development of the uranium sector in that state; if so:
   (a) to whom and when was the advice provided; and
   (b) can this advice be supplied.

(2) What is the current status of Australia's involvement in the Global Nuclear Energy Partnership (GNEP) initiative.

(3) Has the department provided advice to assist in Australia's preparations for the upcoming Non-Proliferation Treaty conference to be held in Vienna; if so, to whom and when.

(4) Which departmental officers will attend the upcoming Non-Proliferation Treaty conference in Vienna.

(5) Did any departmental officers attend the recent Investing in African Mining Indaba meeting in Cape Town; if so:
   (a) who; and
   (b) what were the outcomes of the meeting.

(6) What is the current status of the Australia-Africa Mining Industry Group proposal to link AusAID funding to Australian resource projects.

(7) What advice has been provided or meetings held to consider or advance this proposal.
(8) Has the department reviewed the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Inquiry into Australia's relationship with the countries of Africa; if so:
    (a) what is the department's assessment of this report; and
    (b) to whom has advice been provided in relation to this assessment.
(9) What advice or assessments has the department provided to the Government or its agencies (detailing which) regarding the Fukushima nuclear disaster, including:
    (a) what has been the nature of this advice; and
    (b) to whom has it been provided.
(10) Has the department been involved in any assessments or responses to papers, reports or processes of the United Nations, or other international organisations, regarding the Fukushima nuclear disaster?
(11) Has there been any material change in the legal, regulatory or operational framework of the uranium sector in Australia since the Fukushima nuclear disaster?
(12) In regard to the sale of uranium to India:
    (a) what advice has the department provided to: (i) the Minister, and (ii) other parts of government, on this matter;
    (b) can the Minister confirm what the process will be to advance this policy shift; and
    (c) what is the department's role in this process.
(13) What is the current composition, status, meeting schedule and 2012 work plan of the Uranium Industry Framework taskforce.
(14) Can the Minister confirm the status of initiatives to streamline state and federal uranium approvals.
(15) Has the department provided any briefings to the Australian Radiation Protection and Nuclear Safety Agency or the Department of Sustainability, Environment, Water, Population and Communities regarding the progress of the proposed nuclear waste dump at Muckaty, Northern Territory; if so, can the relevant notes or briefings be provided.
(16) Has the department prepared any modelling on the proposal to compensate states and territories for storing waste produced in their jurisdictions at the proposed nuclear waste dump at Muckaty, if so, how would the cost of storage be calculated, for example, per cubic meter or degree of radioactivity.
(17) Has the department calculated or prepared any modelling on the likely amount raised over the 300 to 400 year period for which the facility is scheduled to be operating.
(18) Did the department consult with the Northern Territory Government before agreeing to the $10 million amendment proposed by Senator Scullion; if so, can the Minister provide any correspondence or notes on correspondence relating to any such consultations.
(19) Has the department or Minister entered into discussions or correspondence with the Northern Land Council with regard to other site nominations being put forward if the Muckaty site does not go forward.

Senator Chris Evans: The Minister for Resources and Energy has provided the following answer to the honourable senator's question:

(1) No.
(2) In 2010 the International Framework on Nuclear Energy Cooperation (IFNEC) evolved as a successor to GNEP. Australia has been attending meetings of IFNEC/GNEP on a non-active participant basis to ensure Australia's interests in nuclear non-proliferation, security and safety are taken into account.
(3) No.

(4) The department will not be attending the Nuclear Non-Proliferation Treaty Review Conference.

(5) Officers from the Resources, Energy and Tourism portfolio did not attend the African Mining Indaba meeting in February 2012.

(6) AusAID advises that it has not received a proposal from AAMIG to link its funding to Australian resource projects.

(7) The Department has participated in two general meetings with the AAMIG, called by industry and the Department of Foreign Affairs and Trade, to discuss their activities in Africa. The Department has not provided any advice on the AAMIG proposal.

(8) The Department has reviewed relevant areas of the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade and provided the response to the Department of Foreign Affairs and Trade, the agency responsible for coordinating the Government's Response to the report.

(9) The primary responsibility within the Australian Government on nuclear safety and radiation protection issues rests with the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA has been, and continues to be, the primary source of advice to government on radiation health and safety aspects of the accident. The department contributed information on the past sales of uranium to Japan.


(11) No.

(12) The department has provided general background information to the Minister and senior officials on India's potential uranium demand and forecast expansion of its nuclear sector with information taken from public sources. Following the ALP's conference decision on uranium sales to India, the Government is considering its policy and timelines on this matter.

(13) The Uranium Council (formerly the Uranium Industry Framework) includes representatives from Commonwealth, State and Territory Governments, industry and the Northern Land Council. The next meeting is scheduled for Tuesday 12 June 2012. The work program for the Council includes the following:

- Two workshops on Environmental Risk from Ionising Contaminants: Assessment and Management (ERICA) Tool: these will be a training course for industry and government participants to understand the ERICA tool, a computer based assessment tool that predicts the risks to reference animals and plants from exposure to radioactive material released to the environment.
- Radiological Protection of Non Human Biota project: being led by ARPANSA, the project is to develop a systematic approach through the collation and analysis of existing data to evaluate different methodologies that assess the effects of radionuclides on the environment due to uranium mining operations which is consistent with overseas approaches and directly applicable to the Australian environment. This will complement the ERICA Workshops and will be for use by regulators and industry when developing proposals for new mines.
- Transport Strategy: this will examine delay and denial issues domestically and internationally. The project will also provide information on the strict Australian and international requirements for transporting uranium.

(14) With regard to access to defence land within the Woomera Prohibited Area (WPA), under the coexistence model announced in May 2011, while Defence will remain the primary user of the WPA, industry will be given certainty of access through a transparent regulatory process and defined access periods. Development of the legislation to underpin the regime will commence in 2012.
QUESTIONS ON NOTICE

The department has removed environmental requirements from uranium export permissions where the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) has assumed regulatory responsibility through the Environment Protection and Biodiversity Conservation Act.

(15) These agencies are kept informed during regular discussions for which no briefing papers or notes are required.

(16) The proposed amendment by Senator Scullion to the National Radioactive Waste Management Bill 2010 provides for the host State/Territory to be compensated for wastes stored/disposed of by other States/Territories at a facility within its borders. The compensation will be raised by a fee on wastes from other States/Territories. No modelling has been prepared on this proposal.

Following overseas practice, a combination of volume and activity based charges is expected to be applied at a national facility providing for disposal of low level waste and storage of intermediate level waste.

(17) No.

(18) There have been no consultations on Senator Scullion's amendment with the Northern Territory Government.

(19) No. Discussions with the Northern Land Council were confined to Muckaty Station. Following passage of the National Radioactive Waste Management Bill 2010 consultation with the NLC will resume, providing an opportunity for the NLC to raise any other prospective sites within its jurisdiction.