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SITTING DAYS—2013

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
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<tr>
<td>February</td>
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<tr>
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<td>June</td>
<td>17, 18, 19, 20, 24, 25, 26, 27, 28</td>
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<tr>
<td>November</td>
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<tr>
<td>December</td>
<td>2, 3, 4, 5, 9, 10, 11, 12</td>
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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FIRST PERIOD

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

Senate Office holders
President—Senator Hon. John Joseph Hogg
Deputy President and Chair of Committees—Senator Stephen Parry
Temporary Chairs of Committees—Senators Cory Bernardi, Thomas Mark Bishop, Suzanne Kay Boyce, Sean Edwards, David Julian Fawcett, Mark Lionel Furner, Alexander McEachian Gallacher, Scott Ludlam, Gavin Mark Marshall, Anne Sowerby Ruston, Dean Anthony Smith, Ursula Mary Stephens, Glenn Sterle and Peter Stuart Whish-Wilson
Leader of the Government in the Senate—Senator Hon. Eric Abetz
Deputy Leader of the Government in the Senate—Senator Hon. George Henry Brandis QC
Leader of the Opposition in the Senate—Senator Hon. Penny Wong
Deputy Leader of the Opposition in the Senate—Senator the Hon Stephen Conroy
Manager of Government Business in the Senate—Senator Hon. Mitchell Peter Fifield
Manager of Opposition Business in the Senate—Senator Claire Moore

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

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

<table>
<thead>
<tr>
<th>Senator</th>
<th>State or Territory</th>
<th>Term expires</th>
<th>Party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abetz, Hon. Eric</td>
<td>TAS</td>
<td>30.6.2017</td>
<td>LP</td>
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<tr>
<td>Back, Christopher John</td>
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<tr>
<td>Bernardi, Cory</td>
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<tr>
<td>Bilyk, Catryna Louise</td>
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<tr>
<td>Birmingham, Simon John</td>
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<td>Bishop, Thomas Mark</td>
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<tr>
<td>Boswell, Hon. Ronald Leslie Doyle</td>
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<tr>
<td>Boyce, Suzanne Kay</td>
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<tr>
<td>Brandis, Hon. George Henry, QC</td>
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<td>Brown, Carol Louise</td>
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<td>Carr, Hon. Kim John</td>
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<td>Colbeck, Hon. Richard Mansell</td>
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<td>Collins, Jacinta Mary Ann</td>
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<td>Cormann, Mathias Hubert Paul</td>
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<td>Farrell, Donald Edward</td>
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<td>Faulkner, Hon. John Philip</td>
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<td>30.6.2017</td>
<td>ALP</td>
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<tr>
<td>Fawcett, David Julian</td>
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<td>Fierravanti-Wells, Concetta Anna</td>
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<td>Fifield, Mitchell Peter</td>
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<td>Gallacher, Alexander McEachian</td>
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<td>Madigan, John Joseph</td>
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<td>Marshall, Gavin Mark</td>
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<td>Payne, Marise Ann</td>
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<td>Peris, Nova Marce AOM</td>
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<td>Polley, Helen Beatrice</td>
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<td>Pratt, Louise Clare</td>
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<td>Rhiannon, Lee</td>
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<td>Ronaldson, Hon. Michael</td>
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<td>Ryan, Scott Michael</td>
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<tr>
<td>Scallion, Hon. Nigel Gregory</td>
<td>NT</td>
<td>30.6.2017</td>
<td>CLP</td>
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</table>
Pursuant to section 42 of the Commonwealth Electoral Act 1918, the terms of service of the following senators representing the Australian Capital Territory and the Northern Territory expire at the close of the day immediately before the polling day for the next general election of members of the House of Representatives:

<table>
<thead>
<tr>
<th>Territory</th>
<th>Senator</th>
<th>Party</th>
<th>Senator</th>
<th>Party</th>
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<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>Lundy, K.</td>
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<td>Seselja, Z.M.</td>
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<td>Northern Territory</td>
<td>Scullion, N. G.</td>
<td>CLP</td>
<td>Peris, N.M.</td>
<td>ALP</td>
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</tbody>
</table>

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

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

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

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

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

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

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

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

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

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

PARTY ABBREVIATIONS
AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party;
DLP—Democratic Labor Party; IND—Independent, LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Secretary, Department of Parliamentary Services—C Mills
Parliamentary Budget Officer—P Bowen
<table>
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<tr>
<th>Title</th>
<th>Minister</th>
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<tbody>
<tr>
<td>Prime Minister</td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Minister for Indigenous Affairs</td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>MinisterAssisting the Prime Minister for the Public Service</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister for Women</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Josh Frydenberg MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Alan Tudge MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Regional Development (Deputy Prime Minister)</td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>Assistant Minister for Infrastructure and Regional Development</td>
<td>The Hon Jamie Briggs MP</td>
</tr>
<tr>
<td>Minister for Foreign Affairs</td>
<td>The Hon Julie Bishop MP</td>
</tr>
<tr>
<td>Minister for Trade and Investment</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Foreign Affairs</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Minister for Employment (Leader of the Government in the Senate)</td>
<td>Senator the Hon Eric Abetz</td>
</tr>
<tr>
<td>Assistant Minister for Employment (Deputy Leader of the House)</td>
<td>The Hon Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Attorney-General</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>Minister for the Arts (Vice-President of the Executive Council)</td>
<td>Senator the Hon George Brandis QC</td>
</tr>
<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Minister for Justice</td>
<td>The Hon Michael Keenan MP</td>
</tr>
<tr>
<td>Treasurer</td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Minister for Small Business</td>
<td>The Hon Bruce Billson MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>Senator the Hon Arthur Sinodinos AO</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Steven Ciobo MP</td>
</tr>
<tr>
<td>Minister for Agriculture</td>
<td>The Hon Barnaby Joyce MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Agriculture</td>
<td>Senator the Hon Richard Colbeck</td>
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<tr>
<td>Minister for Education (Leader of the House)</td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
<td>Assistant Minister for Education</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education</td>
<td>Senator the Hon Scott Ryan</td>
</tr>
<tr>
<td>Minister for Industry</td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Industry</td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td>Minister for Social Services</td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
<td>Assistant Minister for Social Services (Manager of Government Business in the Senate)</td>
<td>Senator the Hon Mitch Fifield</td>
</tr>
<tr>
<td>Minister for Human Services</td>
<td>Senator the Hon Marise Payne</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Social Services</td>
<td>Senator the Hon Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Minister for Communications</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Minister for Communications</td>
<td>The Hon Paul Fletcher MP</td>
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<tr>
<td>Minister for Health</td>
<td>The Hon Peter Dutton MP</td>
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<tr>
<td>Minister for Sport</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Assistant Minister for Health</td>
<td>Senator the Hon Fiona Nash</td>
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<tr>
<td>Title</td>
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<tr>
<td><strong>Minister for Defence</strong></td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Minister for Veterans’ Affairs</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Minister Assisting the Prime Minister for the Centenary of ANZAC</em></td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assistant Minister for Defence</td>
<td>The Hon Stuart Robert MP</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Defence</em></td>
<td>The Hon Darren Chester MP</td>
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<tr>
<td><strong>Minister for the Environment</strong></td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td><em>Parliamentary Secretary to the Minister for the Environment</em></td>
<td>Senator the Hon Simon Birmingham</td>
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<tr>
<td><strong>Minister for Immigration and Border Protection</strong></td>
<td>The Hon Scott Morrison MP</td>
</tr>
<tr>
<td>Assistant Minister for Immigration and Border Protection</td>
<td>Senator the Hon Michaelia Cash</td>
</tr>
<tr>
<td><strong>Minister for Finance</strong></td>
<td>Senator the Hon Mathias Cormann</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td><em>Parliamentary Secretary to the Minister for Finance</em></td>
<td>The Hon Michael McCormack MP</td>
</tr>
</tbody>
</table>

Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
<table>
<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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</thead>
<tbody>
<tr>
<td>Leader of the Opposition</td>
<td>Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Science</td>
<td>Senator the Hon Kim Carr</td>
</tr>
<tr>
<td>Shadow Minister Assisting the Leader for Small Business</td>
<td>Hon Bernie Ripoll MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Small Business</td>
<td>Julie Owens MP</td>
</tr>
<tr>
<td>Shadow Cabinet Secretary</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Hon Michael Danby MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Leader of the Opposition</td>
<td>Dr Jim Chalmers MP</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition</td>
<td>Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td>Shadow Minister for Foreign Affairs and International Development</td>
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</tr>
<tr>
<td>Shadow Minister for Women</td>
<td>Senator Claire Moore</td>
</tr>
<tr>
<td>Manager of Opposition Business (Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for the Centenary of ANZAC</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Foreign Affairs</td>
<td>Hon Matt Thistlethwaite MP</td>
</tr>
<tr>
<td>Leader of the Opposition in the Senate</td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Shadow Minister for Trade and Investment</td>
<td>Dr Jim Chalmers MP</td>
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<tr>
<td>Deputy Leader of the Opposition in the Senate</td>
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</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Hon David Feeney MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans’ Affairs</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence</td>
<td>Gai Brodmann MP</td>
</tr>
<tr>
<td>Shadow Minister for Infrastructure and Transport</td>
<td>Hon Anthony Albanese MP</td>
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<tr>
<td>Shadow Minister for Tourism</td>
<td>Hon Julie Collins MP</td>
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Wednesday, 4 December 2013

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

BUDGET

Consideration by Estimates Committees

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (09:31): I move:

(1) That estimates hearings by legislation committees for 2014 be scheduled as follows:
   2013-14 additional estimates:
      Monday, 24 February and Tuesday, 25 February (Group A)
      Wednesday, 26 February and Thursday, 27 February (Group B)
   2014-15 Budget estimates:
      Monday, 26 May to Thursday, 29 May, and, if required, Friday, 30 May (Group A)
      Monday, 2 June to Thursday, 5 June, and, if required, Friday, 6 June (Group B)
      Monday, 20 October and Tuesday, 21 October (supplementary hearings—Group A)
      Wednesday, 22 October and Thursday, 23 October (supplementary hearings—Group B).

(2) That pursuant to the order of the Senate of 26 August 2008, cross portfolio estimates hearings on Indigenous matters be scheduled for Friday, 28 February, Friday, 30 May and Friday, 24 October.

(3) That the committees consider the proposed expenditure in accordance with the allocation of departments and agencies to committees agreed to by the Senate.

(4) That committees meet in the following groups:
   Group A:
      Environment and Communications
      Finance and Public Administration
      Legal and Constitutional Affairs
      Rural and Regional Affairs and Transport
   Group B:
      Community Affairs
      Economics
      Education and Employment
      Foreign Affairs, Defence and Trade.

(5) That the committees report to the Senate on the following dates:
   (a) Tuesday, 18 March 2014 in respect of the 2013-14 additional estimates; and
   (b) Tuesday, 24 June 2014 in respect of the 2014-15 Budget estimates.

Question agreed to.
COMMITTEES
Joint Select Committee on Northern Australia

Appointment

The DEPUTY PRESIDENT (09:32): A message has been received from the House of Representatives transmitting for concurrence resolutions relating to the formation of a joint committee. Copies of the message have been circulated in the chamber.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (09:32): I move:

That the Senate concurs with the resolution of the House of Representatives contained in message no. 27 relating to the appointment of the Joint Select Committee on Northern Australia.

The message read as follows—

That:

(1) a Joint Standing Committee on the National Capital and External Territories be appointed to inquire into and report on:

(a) matters coming within the terms of section 5 of the Parliament Act 1974 as may be referred to it by:

(i) either House of the Parliament; or
(ii) the Minister responsible for administering the Parliament Act 1974; or
(iii) the President of the Senate and the Speaker of the House of Representatives;

(b) such other matters relating to the Parliamentary Zone as may be referred to it by the President of the Senate and the Speaker of the House of Representatives;

(c) such amendments to the National Capital Plan as are referred to it by a Minister responsible for administering the Australian Capital Territory (Planning and Land Management) Act 1988;

(d) such other matters relating to the National Capital as may be referred to it by:

(i) either House of the Parliament; or
(ii) the Minister responsible for administering the Australian Capital Territory (Self-Government) Act 1988; and

(e) such matters relating to Australia’s territories as may be referred to it by:

(i) either House of the Parliament; or
(ii) the Minister responsible for the administration of the Territory of Cocos (Keeling) Islands; the Territory of Christmas Island; the Coral Sea Islands Territory; the Territory of Ashmore and Cartier Islands; the Australian Antarctic Territory, and the Territory of Heard Island and McDonald Islands, and of Commonwealth responsibilities on Norfolk Island;

(2) annual reports of government departments and authorities presented to the House shall stand referred to the committee for any inquiry the committee may wish to make and reports shall stand referred to the committee in accordance with a schedule tabled by the Speaker to record the areas of responsibility of each committee, provided that:

(a) any question concerning responsibility for a report or a part of a report shall be determined by the Speaker; and

(b) the period during which an inquiry concerning an annual report may be commenced by a committee shall end on the day on which the next annual report of that department or authority is presented to the House;
(3) the committee consist of 12 members, the Deputy Speaker, 3 Members of the House of Representatives to be nominated by the Government Whip or Whips, 2 Members of the House of Representatives to be nominated by the Opposition Whip or Whips or by any minority group or independent Member, the Deputy President and Chairman of Committees, 2 Senators to be nominated by the Leader of the Government in the Senate, 2 Senators to be nominated by the Leader of the Opposition in the Senate and 1 Senator to be nominated by any minority group or independent Senator;

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

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

(6) the committee elect a:
   (a) Government member as its chair; and
   (b) non-Government member as its deputy chair who shall act as chair of the committee at any time when the chair is not present at a meeting of the committee;

(7) at any time when the chair and deputy chair are not present at a meeting of the committee the members present shall elect another member to act as chair at that meeting;

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

(9) three members of the committee (of whom one is the Deputy President or the Deputy Speaker when matters affecting the Parliamentary Zone are under consideration) constitute a quorum of the committee, provided that in a deliberative meeting the quorum shall include one Government member of either House and one non-Government member of either House;

(10) the committee:
   (a) have power to appoint subcommittees consisting of three or more of its members and to refer to any subcommittee any matter which the committee is empowered to examine; and
   (b) appoint the chair of each subcommittee who shall have a casting vote only;

(11) at any time when the chair of a subcommittee is not present at a meeting of the subcommittee the members of the subcommittee present shall elect another member of that subcommittee to act as chair at that meeting;

(12) two members of a subcommittee constitute a quorum of that subcommittee, provided that in a deliberative meeting the quorum shall include one Government member of either House and one non-Government member of either House;

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

(14) the committee or any subcommittee have power to:
   (a) call for witnesses to attend and for documents to be produced;
   (b) conduct proceedings at any place it sees fit;
   (c) sit in public or in private;
   (d) report from time to time; and
   (e) adjourn from time to time and to sit during any adjournment of the Senate and the House of Representatives;

(15) the committee or any subcommittee have power to consider and make use of the evidence and records of the Joint Standing Committees on the National Capital and External Territories, the Joint...
Committees on the Australian Capital Territory, the Joint Standing Committees on the New Parliament House, the Joint Standing Committee on the Parliamentary Zone and the Joint Committee on the National Capital appointed during previous Parliaments and of the House of Representatives and Senate Standing Committees on Transport, Communications and Infrastructure when sitting as a joint committee on matters relating to the Australian Capital Territory; and

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

Senator IAN MACDONALD (Queensland) (09:32): by leave—I move the amendment

on the sheet that, hopefully, has been circulated recently:

At the end of the motion, add ", subject to the following modifications to the resolution proposing

the appointment of a joint select committee on Northern Australian:

Paragraph 2 (b)(II) after "regulatory", insert "taxation".

After paragraph 2 (c), insert:

(ca) present to the Parliament its recommendation for a white paper which would detail government

action needed to be taken to implement the committee's recommendations, setting out how the

recommendations were to be implemented, by which government entity they were to be implemented, a

timetable for implementation and how and when any government funding would be sourced.

Paragraph 3, omit "June", substitute "May".

Paragraph 4, omit "September", substitute "July".

Senator Ludwig interjecting—

Senator IAN MACDONALD: I had given the Australian Labor Party, the Democratic Labour Party, the Greens and Senator Xenophon notice of this on Monday, and I would have hoped that the ALP whip would have made you aware of it, Senator Ludwig. Being a Queenslander, it is something you may well have been interested in. I appreciate the government indicating they will be supporting the amendments and I would hope that other parties in the chamber would also support not only my amendments but the move to set up the committee.

I indicate that it should not have been necessary for me to have to move amendments to a government motion, but I will indicate the background to this. I do not believe that the terms of reference, which I eventually discovered almost by accident last Friday week, were appropriate and in the best interest of Northern Australians or in accord with or facilitating the adoption of the coalition's policy, which the establishment of this committee is supposed to be doing. Senators will know that there was little or, I suspect, no consultation with Senators generally or particular politicians who have a special interest in the north.

Senators will be aware that, as they were busy in estimates from 9 am until 11 pm Monday to Thursday in the last sitting week of the House of Representatives, the House of Representatives agreed to the terms of reference for the establishment of this committee without any debate. Almost by accident, as I said, I discovered the terms of reference. I was particularly disappointed as my many inquiries to the Prime Minister's office, which seems to have an almost obsessive centralised control phobia over this and every other aspect of parliament, responded to me when I kept inquiring with, 'We will let you know when the terms of reference are eventually decided.'

Because I was not elected to this parliament by the Prime Minister's office but by the Liberal-National Party of Queensland and by the voters of Queensland, particularly those in
the north, I was incensed that the two things that are perhaps of most importance to Queenslanders were missing from the terms of reference. They were: a reference to look at the zoned tax system, which had been promised by the coalition prior to the election; and some definitive program towards the sustainable development of Northern Australia. Now, what you see in the terms of reference submitted by the government may be the Prime Minister's office's version of what it was all about, but I have to advise them and my constituents that I will not have unelected advisers in the Prime Minister's office telling elected politicians, who are actually in touch with their constituencies, what should and should not be done.

Can I go further into the background of this whole issue? Prior to 2001, as Minister for Regional Services, Territories and Local Government, I initiated a number of northern Australian forums. There were significant meetings held across the north of Australia, looking at ways to develop northern Australia. As a result of that process significant volumes of findings and suggestions were released by the government in 2001. Unfortunately, a federal election then ensued and after the election I was moved to another ministerial portfolio and my successor, who was from Tasmania, had little interest in the north. The process towards development of northern Australia then faltered.

Six years ago, in opposition as the shadow parliamentary secretary for northern and remote Australia, I proceeded again with very wide consultations right across the North, which resulted in a policy which was taken to the 2010 election. Following the 2010 election more intense and serious consultations took place, and with the assistance of others in the shadow ministry we succeeded in producing a policy document entitled 'The coalition's 2030 vision for developing northern Australia'. This was launched by Mr Abbott at James Cook University in Townsville in June 2013. Mr Deputy President, I seek leave to table a copy of that policy.

The DEPUTY PRESIDENT: Is leave granted?

Senator McEwen: We haven't seen it.

The DEPUTY PRESIDENT: Leave is not granted. I suggest, Senator Macdonald, that you provide a copy to the whips and then maybe ask that question at the end of your contribution.

Senator IAN MACDONALD: It is a policy—if they do not want it tabled, it is a public document. I am just trying to have it involved in the records of parliament for accuracy. But, if the senators do not want that, that is fine.

Senator McEwen: Mr Deputy President, I rise on a point of order. It is the practice of the Senate that when senators want to table a document they make it available to the whips of the other parties. Senator Macdonald has been around long enough—as he has just been telling us!—to know what procedures of the Senate are, and I would like him to comply with them.

The DEPUTY PRESIDENT: Thank you, Senator McEwen. There is no point of order, but your point has been made.

Senator IAN MACDONALD: The policy contained a number of initiatives which were exciting and which, if implemented, could really have started a serious government thrust in the development of Northern Australia. It was always the intention that government leadership and facilitation would assist private industry in ways to move forward and invest in
the types of initiatives that would sustainably develop the north. The underlying tenet of the policy was set out on page 7 of the policy document, and I quote:

The purpose of this paper (the Coalition’s 2030 Vision for Developing Northern Australia) is to set out the policy options that the Coalition intends to pursue in our subsequent White Paper on developing Northern Australia.

The Coalition regards the extensive consultation over the past three years on the development of Northern Australia as an effective and responsive approach to formulating the White Paper.

Further:

The Coalition's 2030 Vision for Developing Northern Australia clearly sets out the policy priorities for developing Northern Australia that the White Paper will consider. It is not, however, a final set of policy options.

As with any other Green Paper, the Coalition’s 2030 Vision for Developing Northern Australia is intended to facilitate discussion, comments, feedback and suggestion from industry, the community and interested parties about the development of Northern Australia.

The policy went on to encourage industry, community and interested parties to participate in the discussion and to provide constructive input. The paper said:

Input can include general feedback or specific policy proposals, both near- and longer-term.

It gave details of where any such submissions should be sent. The coalition policy document said:

The Coalition is committed to realising far more development for Northern Australia.

To this end, we— that is, the government, should we be elected— will produce a White Paper on the development of Northern Australia within twelve months of the election— that is, by 6 September 2014.

The White Paper will set-out a clear, well-defined and timely policy platform for promoting the development of Northern Australia. The White Paper will define policies for developing the North to 2030, including an outline for the implementation of these policies over the next two, five, ten and twenty years.

The paper also indicated that the white paper would be produced by the Department of the Prime Minister and Cabinet.

The Prime Minister announced the setting up of the joint committee that is the subject of this motion in one of his first news conferences following the election. He indicated that Mr Warren Entsch, the member for Leichhardt, would be chairman. As far as I am aware, there was little consultation on the terms of reference of the joint select committee, and I have mentioned that previously. The establishment of the joint select committee was not part of the coalition's policy document but, as senators know, committees of parliament can be a useful additive to any policy implementation. I am just a fraction concerned that the joint select committee process may just delay government decisions on the development of northern Australia in a way that has happened in the past. I note that the ministers responsible for this area of government policy now are based respectively in Noosa in southern Queensland and in Adelaide.
Senators will be aware of the separation of powers and the fact that the committees of parliament are actually committees of parliament and not committees of the executive government. I note that in the Prime Minister's announcement of the committee he indicated who the chairman would be when, quite rightly, the terms of reference indicate that the chairman will be elected by the committee itself and not appointed by the Prime Minister. This does not, I might add by way of personal explanation, in any way involve me, as I do not intend to be a voting member of this committee, but I will contribute to the extent of my ability as a participating member of the committee, which according to the terms of reference has all the powers and rights of a voting committee member except for voting. But I would not want the process embarked upon by government, useful though it may be in some cases, to delay further the formation of the government's white paper within 12 months of the election, which is what was promised prior to the election.

I suspect that there will be little that comes before the joint select committee that is not already referred to in some way in the coalition's policy document. For example, the coalition's policy said:

Our White Paper on developing Northern Australia will consider, as a matter of priority, the following policy options …

It then went on to mention in some detail the Northern Australia Strategic Partnership, regional involvement, building key urban communities in northern Australia, economic infrastructure, upgrading the Bruce Highway, building research capabilities—in particular the cooperative research centre on northern Australia—promoting trade, the water project development fund, allocating funds from the foreign aid budget for the northern health and medical research institute and research generally, reallocating government departments to the North, and skills. The policy document also traversed another range of initiatives.

Mr Deputy President, of particular interest to me and, I can assure you, all northern Australians are the following words at page 5 of the policy document:

To this end, the efficacy and targeting of current relocation incentives and personal and business income tax incentives could be reviewed.

The document at page 22 also recognised:

… a significant barrier to the development of Northern Australia is the lack of scale economies, which has flow-on impacts on the availability and cost of goods, services and infrastructure in a Northern Australia.

The Coalition recognises that higher effective costs in rural and remote areas affect the incentive for families and businesses to relocate to, or remain in, these areas.

Accordingly, the first part of my amendment makes specific reference to taxation. This will ensure that there will be no opportunity for the committee or, indeed, the government to ignore a review of the existing zone tax system. That is important not only to me but to every person living in northern and remote Australia, so that is the basis of the first part of the amendment.

To assist the government, I am suggesting in the second part of my amendment that the joint select committee should actually produce its version of a white paper, from which the executive government can then start its process of producing a white paper and releasing it by, as promised, 6 September 2014. Accordingly I am suggesting that the date for the interim report and for the final report of the select committee should be brought forward to give the
government at least some time to consider the recommendations of the joint select committee and, as government would so wish, include in its white paper the suggestions of the joint select committee.

If the government is intending to take any notice whatsoever of the findings of the joint select committee in the preparation of its white paper, and if it is intending to honour its commitment to produce a government white paper within 12 months of the election, then clearly the dates set out in the government's terms of reference are incomprehensible. You cannot have the committee reporting on 6 September 2014 and the government issuing its white paper on the same day. If that were to happen, clearly the government would be taking no notice of what the select committee might have thought—and if that is the case, why bother with the select committee? If you are going to have the select committee and if it is going to mean something, then the days for reporting should be brought forward so that the government can use the work of the select committee in the preparation of its white paper.

I appreciate and certainly hope that the Department of the Prime Minister and Cabinet is already working on its white paper, but I repeat that if the joint select committee process is to be taken seriously as a process that adds value to the government's white paper then its report should be tabled in time to allow the government to meet its commitments. If this is not done, two alternatives spring out. One is that the government intends to take no notice of the select committee work—in which case, why bother with the select committee? Alternatively, the government will delay—and this is what concerns me—the publishing of its white paper beyond the committed date of 6 September 2014. This rings warning bells with me, in that any substantial delay will put us back in the process we were in back in 2001, when we had all the work done for a serious government involvement in the development of Northern Australia which was then—to put it politely—put on the backburner and it faded away. I do not want that to happen again.

During the past six years, particularly the last three years, and since the launch of the paper I have toured extensively in northern Australia, making commitments of behalf of the coalition and indicating that our leader was at last serious about the development of the North. I know that Mr Abbott still is, but I know that the pressures of government can lead to delays which eventually result in nothing being done. Whilst I understand that matters of great national moment take priority, I can assure the Senate that for five per cent of Australia's population who live above the Tropic of Capricorn, the development of northern Australia is a priority. I do not want the current momentum to suffer the same fate that happened to the northern Australian forums process back in 2001. As the Vice-Chancellor of James Cook University said when referring to northern Australians at the launch by Mr Abbott of the white paper in June 2013, 'For us this is personal. '

I have made too many commitments to my constituents and to those who voted for me and us at the last election to allow this opportunity to pass by. I urge senators to support the amendments that I have moved, which will, if adopted, enable the government to proceed upon its chosen path but at the same time allow it to honour its election promise of a government white paper prior to 6 September 2014. The production of a white paper will at least give the people of northern Australia some serious indication of the government action that needs to be taken, setting out how the recommendations of the white paper are to be
implemented, by which government entity they are to be implemented, the timetable for implementation, and how and when any government funding would be resourced.

I am sorry if all senators have not been able to hear me. I am suffering a bit with the aftermath of a cold and my voice is not what it would normally be. I hope I have made the argument for the amendments, which allow the government to establish this select committee, as it has chosen to do, but have not interfered with the process that was set out in the government's pre-election policy on a white paper that will seriously plan the permanent forward growth of northern Australia in a sustainable way. I urge all senators to support the amendments.

Senator MOORE (Queensland) (09:52): While in no way making any comment about the importance of issues in Northern Australia, the opposition is concerned about having just seen an internal government debate around a straightforward motion about setting up a joint select committee. In view of the fact that over the next few days and possibly longer we will be having discussions in this place about the use of government time and the use of debating time, I would like to draw attention to the fact that we have just spent 25 minutes on something that would seem to be an internal debate rather than something for the chair of this Senate.

Question agreed to.
Original question, as amended, agreed to.

MOTIONS
Suspension of Standing Orders

Senator MILNE (Tasmania—Leader of the Australian Greens) (09:53): I move:
That so much of the standing orders be suspended as would prevent the Leader of the Australian Greens from moving the following motion:

That the Senate calls on the Attorney-General (Senator Brandis) to provide to the parliament, before question time today, an explanation of his reasons for authorising ASIO raids on Timor-Leste legal counsel and a key witness for pending Permanent Court of Arbitration hearings in The Hague.

Mr Deputy President, as you would be aware, this is not something that the Greens do lightly. In fact, this is one of the very rare occasions in my entire Senate career when we have decided that it is important enough to actually have this matter dealt with and call on the Attorney-General to make a full explanation and statement. The reason it so important is that Minister Brandis is the highest law officer in the land and he has authorised intelligence agencies to raid the offices of legal counsel who are currently in proceedings in The Hague on a matter that is critically important to East Timor.

What is at stake here, as is being said in the media, is that never before has East Timor taken someone to this arbitration panel in The Hague. Never before has Australia been called to answer questions about spying in a forum such as that. But it is not just about a treaty; it is about the maritime boundary between Australia and East Timor, it is about billions of dollars in resources and it is about the resource-sharing deal that former Minister Downer and the government of the time struck and whether it is valid. It is a shocking thing that, as this negotiation is going on in The Hague, the Attorney-General in Australia authorises the raid on those legal offices.
I have seen the minister's statement trying to suggest that the two matters are unrelated, but it beggars belief that they are unrelated—that, 24 hours after the lawyer has virtually left the country to go and work with Timor-Leste in The Hague, we have the chief law officer in the land authorising a raid on that office to take documents from the office and, at the same time, we have a key witness in those proceedings having his passport taken away so that he cannot travel to provide evidence. What does that say in a nation like Australia? Who is next? Who else's passport is going to be suddenly taken from them in a raid so that they cannot go and do whatever they intended to do overseas?

There is no suggestion here that the whistleblower who was going to attend to give evidence in The Hague was in any way a threat to national security. This is about big companies, the power of those big companies over government, and the question of the extent to which the Australian government is acting in the commercial negotiations of a company in a situation such as occurred in East Timor. So that is why I think it is important that Minister Brandis be required to make a statement before question time as to why he authorised those raids and how they can be justified—if they can be, because this is about the commercial proceedings. At no stage was there any suggestion that the original bugging of the cabinet room in East Timor was anything other than to assist in the commercial deals that were being done at the time. It was not about national security, and it is still not about national security.

It is beyond belief that the timing of these raids has nothing to do with the negotiations going on in The Hague. If it can happen on this occasion, what else is Minister Brandis going to authorise for the agencies to go and raid legal chambers or individual homes and take someone's passport? This is important, and that is why I think it is critical that Minister Brandis be required to make that statement to the parliament today. I am sure it is of grave concern to most Australians when they wake up and hear that that has been authorised by Minister Brandis, and I think it is important that we get on the record from Minister Brandis, before question time today, exactly why he authorised the raid on those legal offices and took that passport away.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (09:58): The government will not be supporting the motion to suspend standing orders. It is incredibly important that matters of Australia's national security are dealt with very carefully. The government does not believe that it is appropriate to canvass those matters in the manner which Senator Milne is proposing at this point in time in the proceedings of the Senate. Obviously Senator Brandis, who as Attorney-General has portfolio responsibility for these matters, will look carefully at the contributions of colleagues in this procedural debate. But I just want to reiterate that this chamber does need to be mindful of the longstanding conventions and protocols in relation to the commentary on national security matters.

I know that they were protocols and conventions that the previous government took seriously. They are protocols and conventions that this government takes seriously. National security matters have historically been placed beyond partisanship and so, as I have indicated, the government will not be supporting this motion to suspend standing orders. But as I said, the Attorney-General does pay close attention to the contributions of colleagues in this place.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (10:00): The opposition will not be supporting the suspension motion moved by the Leader of the
Australian Greens. I do note, however, the statement from the minister that the Attorney-General will pay close attention to what is said in this chamber in relation to this matter and I would make a number of points.

The first is this: this is obviously a matter which has garnered considerable attention in the Australian community. The Attorney-General did issue a short statement last night in which he confirmed he was responsible for the issuing of warrants which the Australian Security and Intelligence Organisation later executed on addresses in Canberra. In that statement the Attorney-General asserted that the actions he took would not affect or impede the current arbitration between Australia and Timor-Leste at The Hague.

These are important matters. They do go to the integrity of the rule of law, and for that reason the opposition does believe that the Senate—the parliament, and through them the Australian people—would benefit from a statement from the Attorney-General on this matter. However, we are not prepared on this occasion to support an interruption to the orderly proceedings of the Senate in the manner proposed by the Australian Greens. We will always take a responsible and considered approach in matters of national security. But again I reiterate that I encourage the Attorney-General to consider the merits of making an appropriate statement to the parliament.

Senator LUDLAM (Western Australia) (10:01): I rise to make a brief contribution here on the motion to suspend standing orders. As Senator Milne has said, the Greens do not make these sorts of suspensions lightly. It is not conduct that we engage in unless the matter is of the utmost importance.

I acknowledge Senator Fifield's comments. I think it would be appropriate for Senator Brandis to join us for this debate, but, nonetheless, I acknowledge Senator Fifield's comments this morning. But I take him up on one issue, and that is the issue, crucially, that goes to the reason why we brought the suspension motion forward—that is, that it is not at all apparent to the Greens or, I would suspect, to the general public that this matter has anything whatsoever to do with national security.

I understand and respect the reasons why ministers of coalition or Labor Party orientations would not comment on matters that would prejudice ongoing national security investigations. If ASIS had been exposed bugging al-Qaeda headquarters or wire-tapping international organised crime or money-laundering syndicates, this motion would not be necessary. But what is at stake here is an accusation—and apparently a well-founded accusation that will be tested at a court of arbitration in The Hague this week—that ASIS bugged the cabinet rooms of the government of Timor-Leste during sensitive commercial negotiations that have consequences in the billions of dollars for commercial players like Woodside and then, by extension, the Commonwealth of Australia and the government of Timor-Leste through tax revenues and royalties.

That, I would submit, has nothing whatsoever to do with national security. For that reason the Attorney-General should front us today and explain why he has used the most extreme executive powers that are available to him—calling in intelligence agencies with extraordinary coercive powers, serving warrants on people that they are not even permitted to read, and detaining legal counsel and key witnesses for a matter of hours without any explanation at all. You are not then simply able to wave your hand and call 'national security' as the reason a shroud needs to drop. This parliament, the Australian public and the people
involved in these arbitration matters overseas deserve an explanation better than they got last night from the Attorney-General as to why our covert agencies have been called in to exercise some of the most severe powers that are available to Australian agencies.

Minister Downer was the foreign minister at the time that these allegations prevailed that ASIS bugged the government of Timor-Leste to, apparently, advance the commercial interests of Woodside, an oil and gas corporation. Minister Downer then goes and sets up his own lobbying company and, lo and behold, ends up on the payroll of that very same corporation. That is the reason that this ASIS operative has decided to take the extraordinary action of appearing as a witness in these arbitration hearings.

As it has been said, this is not some junior operative. For all the mud that has been flung at the US whistleblower Edward Snowden—noting the deliberate use of the term 'traitor' by our Attorney-General earlier this week—this is not a junior subcontractor who has come into possession of documents. This is a key operative who ran technical operations for ASIS at the time that these allegations are said to have occurred. This is somebody not merely with high-level technical knowledge and competence of the operations that were underway; it is somebody with a conscience.

Our people who display a conscience like that and are willing to go on the public record in defence of one of the poorest nations in the region in their negotiations with one of the richest nations on earth should be protected. They should not be subject to arbitrary intimidation and detention by ASIO at the behest of Australia's Attorney-General. Senator Brandis owes it to this parliament, owes it to the Australian people and owes it to the people of Timor-Leste to front this chamber and explain what on earth he is doing. He is already being compared to former FBI boss J Edgar Hoover, and that story did not end well. This appears to be a chilling abuse of executive power. If it is not that then the Attorney-General owes it to us to front this chamber and explain what on earth he is up to.

Senator FAULKNER (New South Wales) (10:07): I think every senator in this chamber would acknowledge that it is important for the Australian public and, of course, the parliament to be kept informed of important matters to the extent possible. That is a principle that all ministers accept. But any minister, particularly those who have national security responsibilities, has to consider also what is appropriate to place on the public record. All ministers who have national security responsibilities have accepted the principle that is outlined in *Odgers' Australian Senate Practice*. I rarely quote Odgers', but let me do so this morning. It is a very accurate representation of the position. It says:

> It has been the policy of successive governments that questions seeking information concerning the activities of the ASIO or the Australian Secret Intelligence Service (ASIS) will not be answered.

It goes on to talk about certain precedents and the fact now, of course, that ASIO officers or the director-general do appear before Senate estimates committees and answer questions. So there is a longstanding precedent which every member of parliament understands: ministers have been and should be constrained on what they say publicly about intelligence and security matters.

That does not mean that a minister with national security responsibilities cannot, if he or she believes it is appropriate, seek the leave of the chamber to make a statement. I certainly did that at times when I served as Minister for Defence. I also, in consultation with other
parties in the chamber, used the forum of question time to address important matters that were very significant at the time in public debate in this country.

I have never known of a situation where a minister who seeks to make a statement would not be given leave of the Senate. I believe, certainly in this instance, if Senator Brandis chose to do so then that would be the case—and it should be the case. But the issue here is: should the Senate make such a demand of Senator Brandis? I have read Senator Brandis’s public statement, headed 'Execution by ASIO of search warrants in Canberra', and he makes the point:

The warrants were issued by me on the grounds that the documents contained intelligence related to security matters.

I do not know what, if anything, Senator Brandis would be able to add to the public statement he has made. What I am concerned about at this stage, in advance of question time, in advance of the forums of the chamber that are available to us, is putting demands on a minister such as those that are suggested in this motion for the suspension of standing orders. That would be a new precedent, which I think would be inappropriate for this Senate to agree to. There is a longstanding mechanism for us dealing with these matters. It is tried and true; it has stood the test of time; it should continue to stand the test of time. (Time expired)

Senator XENOPHON (South Australia) (10:12): I take note of what Senator Faulkner has said, particularly about the responsibilities he has had previously as the Minister for Defence. I note also Odgers’ Australian Senate Practice and the constraints placed on those who have the heavy responsibility of dealing with intelligence matters.

I think that this motion to suspend standing orders being moved by the Greens is timely in the context of revelations over the last few months, and in recent days, about the potential metadata surveillance of Australian citizens, and also the extent to which surveillance powers should be more transparent and accountable. I do want to take issue with what Senator Ludlam said about Senator Brandis, suggesting that there are some parallels between Senator Brandis and J Edgar Hoover. I am not sure if he was being serious, but I cannot take that as a serious comment. I think that it is unhelpful to the debate. I accept that Senator Brandis, the Attorney-General, takes his responsibilities in relation to matters such as this very, very seriously.

I agree with the comments made by Professor Clinton Fernandes, Associate Professor at the UNSW Canberra, in an opinion piece published this morning where he describes the raids that are the subject of this suspension of standing orders motion:

The raids were designed to seize and confiscate documents believed to contain intelligence on security matters.

I agree with Professor Fernandes that Senator Brandis, as Attorney-General:

… was probably correct to deny that he had authorised the raids in order to impede the arbitration; it is more likely—

says Professor Fernandes—

that the intention was to see whether the names of Australian spies who had conducted the espionage would be revealed. Protective measures could be taken in advance.

I agree with that. We must protect the identity of those who work for our intelligence services overseas because that puts them and their families at risk.
But there are still a number of important matters that are raised in the context of this motion. It simply seeks to suspend standing orders for an explanation. I think the difference with Senator Faulkner's approach is that we should not force the Attorney-General to make a statement at this time. I think simply requesting that the matter be addressed—and it could be that the Attorney will say, 'I will make a further statement down the track'—would itself be useful. But I think that this motion highlights the importance of this debate in the general community about the issues at stake here.

I also want to make it clear that the Attorney-General is perfectly entitled to take whatever protective measures there ought to be to protect the identity of those security or intelligence officers working overseas. That is axiomatic and that is something that I support. But I agree with Senator Ludlam that there ought to be a suspension of standing orders. It would be healthy and transparent to debate these issues. I reject any comparisons between the Attorney-General and J Edgar Hoover, the former Director of the FBI. I think that diminishes the arguments in favour of the suspension of standing orders. I think it is important that these matters be aired and ventilated, but that does not necessarily imply a criticism on my part of what the Attorney-General has done. But I think an explanation is warranted and justified at this time. That is why, with those caveats, I support this suspension of standing orders.

Question negatived.

BILLS

Clean Energy Finance Corporation (Abolition) Bill 2013
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 "but the Senate expresses concern over the impact that the abolition of the Clean Energy Finance Corporation will have on investment in renewable energy projects".

Senator URQUHART (Tasmania—Deputy Opposition Whip in the Senate) (10:16):
Where there is a market failure, government intervention and investment can support and encourage private sector investment rather than discourage it. On that I turn to the Emissions Reduction Fund. Would this crowd out or crowd in investment? Would it encourage investment, or is it simply doling out grants? Almost every investment by the corporation has included co-financers that encompass many of Australia's major financial commercial entities. Would these entities—the big banks, investment funds et cetera—be interested in supporting a government grants program? Indeed, would they even have been asked?

The supposed party of the market appears to be doing its best to exclude the market from this vital area of investment and policy into the future. It is clear that demand for the CEFC in the market remains high. The question is: why abolish it? Is it about risk? Claims have been made that the CEFC invests taxpayers’ money in high-risk ventures. Treasurer Hockey claimed in his second reading speech that the CEFC was investing in high-risk ventures. I am sure the Treasurer is actually aware of the Australian government's own direction to the corporation, which clearly states that the CEFC must invest 'across the spectrum of clean energy technologies'. It must in aggregate 'have an acceptable but not excessive level of risk relative to the sector'. It is not allowed to venture into the high-risk arena, so it has not. Its
portfolio is mostly in relatively low-risk loan-based transactions, and none of Low Carbon Australia's loans are in default after three years in operation. In addition, to protect taxpayers into the future the CEFC has rigorous procedures in place. The CEFC knows finance and it knows risk. Further, not all projects make it to financing, with numerous checks by staff and the board ensuring that only the best investments are made. It is a sophisticated institution and it is embarrassing that the current Treasurer, Mr Hockey, has not bothered to move beyond the rhetoric.

Soon after the election, in seeking to beat his chest and show that he could be an anti-environment Minister for the Environment, Mr Hunt said that the CEFC was a 'giant green hedge fund' and demanded that the institution stop issuing finance. I would rather take on board the advice of the CEFC and Mr Fabian from the Investor Group on Climate Change on the role and purpose of the corporation. Firstly, the CEFC claimed that it is not in any way acting like a hedge fund with its $536 million of investments—no dollars are invested in hedging, derivatives or guarantees—while Mr Fabian noted at the hearing that the business model of the CEFC is not an investment banking business model; it is not there to maximise the returns for the broker. It is this distinction, that a finance corporation can exist to seek to grow a market rather than simply grow profits, that appears to be the real issue for those opposite—and that it is supposedly a great green hedge fund experimenting in all sorts of unviable projects.

A further slight on the CEFC purported by those opposite is that it is undercutting the market by providing concessional loans. This is despite it being established that there is insufficient private sector appetite for engaging in the type of finance provided by the CEFC and the basic fact that many private sector providers also offer discount rates. The facts are that the CEFC has only provided discounts amounting to $14 million, or just around 2.5 per cent of the total funds it has lent. This proportion seems very low and indicates that the rate of a loan has not been an issue for the clean energy industry, but the availability of finance is the issue. Plainly, the CEFC cannot be accused of undercutting the market. The facts are clear.

A final attack on the CEFC that I will use my time to debate is the notion that the CEFC does not produce any clean energy. The argument goes that as there is a renewable energy target of 20 per cent, why do we need to spend $10 billion of borrowed money? Basic maths shows that 20 per cent is not 100 per cent. Also, the renewable energy target is quite narrowly defined so cleaner energies, such as gas, quite rightly do not comply. Therefore, there is strong potential for the CEFC to finance renewable and cleaner energy outside of the RET. The CEFC provided for the inquiry two examples of clean energy investments which are not RET-supported. Interestingly, both investments seek to lower energy costs for rural and regional users. Clearly, there are still a lot of questions to be answered, and I request that the chamber take these to the committee stage.

In conclusion, the CEFC is allowing Australia to get chief investment officers of renewable and clean energy projects and bank officials around the table talking about the deals they can do. Abolishing the CEFC comes at a huge cost to the taxpayer. It is reckless and irresponsible to remove this tool from a policy suite in tackling climate change.

Senator LINES (Western Australia) (10:22): As Labor made it clear well before the election we planned to terminate the carbon tax. But in the Clean Energy Finance Corporation (Abolition) Bill 2013 and the related bills before the Senate what we see is much more than a
termination of the carbon tax. In fact, they leave us with nothing—absolutely nothing. One of these bills abolishes the Clean Energy Finance Corporation, and this is one of the reasons why Labor is opposing these bills.

The Clean Energy Finance Corporation is, and should continue to be—despite the wants and desires of the now government—an independent body established to stimulate investment in clean energy projects. The CEFC has a proven track record. It has enabled the development of new business opportunities. Importantly, new business opportunities which play a role in redefining the Australian economy for a cleaner energy future.

The Clean Energy Finance Corporation plays a transformational role. Whatever our future direction in reducing carbon is, carbon reduction policies will never play a role in developing and deploying clean energy with lower costs. The CEFC works with the private sector to support the development and deployment of technology in Australia by mobilising investment in renewable energies, low-emission and energy-efficient projects and technologies.

The Clean Energy Finance Corporation delivers real and tangible change. The CEFC has financed innovative projects across our economy in both cities and regional areas. I would like to take a few minutes to elaborate on a few of these projects. There was $10 million in clean energy finance in Central Park, in Broadway, Sydney, through an environmental upgrade agreement with the City of Sydney and other partners. That $10 million will be used to install a $26.5 million, highly efficient, gas powered, tri-generation plant for the landmark Central Park precinct in Sydney—smack-bang in the middle of Sydney, at Broadway. The environmental upgrade agreement will be repaid by a charge on the land, levied by the Sydney City Council.

The project occupies a 5.8 hectare precinct, and it is under construction right now—you cannot miss it if you go into Sydney. It includes 14 new buildings with 3,000 apartments, 900 student accommodation units, 50,000 square metres of commercial office space and 25,000 square metres of retail space. This two-megawatt, tri-generation plant will be used to provide low-carbon thermal energy heating and cooling for this major new development. The plant will reduce greenhouse gas emissions by 190,000 tonnes over its 25-year design life. That is equivalent to taking 62,500 cars from the road.

In regional New South Wales, Rivalea, a major pork producer owned by Golden North—in fact, Rivalea is Australia’s largest pork producer—has, through finance from the Clean Energy Finance Corporation, upgraded its refrigeration in projects designed to improve energy productivity. The upgraded refrigeration has improved Rivalea’s production capacity, something I would have thought the government would be quite keen to capitalise on. Not only has it improved its productivity, but this upgrade in refrigeration is now enabling Rivalea to bid to expand its business in South-East Asian markets.

Another example in a regional area is Sundrop Farms, in Port Augusta. The CEFC will co-finance a world-leading innovative project in South Australia—namely, a sustainable greenhouse developed by Sundrop Farms. The sustainable greenhouse is the first of its kind to use solar-thermal technology to provide irrigation from desalinated seawater, and heating and cooling for the greenhouse. Sundrop Farms, which already has a commitment to be a low-energy producer, is building a 20-hectare greenhouse facility. This facility will use a renewable power supply and a sustainable water source to produce over 15,000 tonnes of tomatoes a year for metropolitan markets across Australia.
Not only is the CEFC involved in that, but it is helping catalyse other finance for this innovative application of proven, world-leading green technology. This project will demonstrate the potential to transform the Australian economy and create new industries in regional areas. When fully operational it will create around 200 new jobs. Not only that, this project has flow-on effects because it will demonstrate Australia’s leading position in agriculture for semi-arid environments, extending this to sustainable horticultural practices and using clean-energy technology.

It staggered me that the National Party, which purports to represent the bush, has agreed to the abolition of a finance corporation that creates jobs and brings new businesses to regional areas. So where are the National Party voices on this issue?

Senator Ludlam interjecting—

Senator LINES: Thank you, Senator Ludlam. Where are they? They are completely silent on this issue. Their voices were heard long and loud on GrainCorp, but now their silence around the CEFC—which is bringing new business and creating jobs in the bush—is deafening. I am sure the likes of Rivalea and Sundrop Farms and other regional and rural businesses who have benefited from the Clean Energy Finance Corporation would be appalled to learn that the party which purports to represent the bush is not supporting them this time. It is not saying a word and is in fact complicit in winding up and abolishing a corporation which is working in the interests of regional Australia. It just goes to show, when it comes to National Party politics, any kind of belief or commitment can be bought off.

Is the abolition of the Clean Energy Finance Corporation another mistake by the coalition government? Has it failed to do its homework on the real value of the CEFC? The Clean Energy Finance Corporation is an opportunity for the coalition to do something about climate change. The CEFC’s role is to stimulate the economy in a way that contributes to solving the issues of climate change. Isn’t this what the government and indeed all Australians want—a rich economy and one leading the way in climate change solutions? Not only is the CEFC contributing to new business, cleaner technologies, jobs in the bush, new businesses in regional areas—which the National Party are absolutely silent about—and fabulous innovative projects in big capital cities like Sydney; guess what: it makes money. The government, prior to the election, was going on and on about the emergency budget situation. It likes to go on and on about how it has got to cut spending and fix up a mess and carry on about money. Here we have a corporation which is making money, and that still does not motivate the government. The CEFC is currently making about $200 million per year. If we project that through to 2020, we expect it to be around $1.5 billion. For a government that is so concerned about balancing its budget and finding additional cash, the CEFC makes money and reduces carbon pollution—but the government seems to be denying that.

Earlier in the week the government was trying to gag debate on the Clean Energy Finance Corporation and it tried to roll debate on this bill into the broader debate on its repeal package—because this government just wants to talk about the carbon tax. Despite the fact that Labor said before the election that we would repeal it, the government just wants to bang on about the carbon tax, at any cost. It leads me to conclude that this was nothing but a shameless attempt by the government to hide the fact that the Clean Energy Finance Corporation makes money. It wants to hide that from Australian voters, because Australian voters would never understand—I certainly do not understand—why a government would
shut down a corporation which is doing amazing work, which is doing world-leading work in regional parts of the country and which is making money. Why would you shut it down?

I can only conclude that the government is playing politics here because it does not want to have anything to do with any success that the Labor government might have introduced. 'We have to shut it down and pretend that it was costing money, when the facts are far from that.' But perhaps Senator Abetz is just trying to hide yet another embarrassing mistake. Perhaps it is another government blunder, and he is trying to hide that from the Australian voters. Well, voters in Port Augusta and Sydney will know, when the money stops flowing to those projects, exactly what the government has done. Senator Abetz said the government's reasons for abolishing the Clean Energy Finance Corporation are there for all to see. What is there for all to see is that it is a profit-making, carbon-reducing, innovative clean energy corporation. That is what is there to see. He went on to say:

… setting up a government bank with $10 billion … of borrowed money … to invest in high-risk ventures should be a thing of the past in this country.

What is high risk about supporting an already viable pork producer? What is high risk in that? What is high risk in enabling that pork producer to improve its productivity so it can bid for markets offshore? Where is the high risk in that? I would have thought it is something that this government, which apparently is open for business, would be willing to do. I have heard the Prime Minister go on and on: 'We're open for business.' Well, tell that to Rivalea, because with regard to Rivalea actually we are shut for business. Particularly if it is about clean energy, we are definitely shut. We do not want to know anything about that. So it is completely the opposite to what Senator Abetz says. These are not high-risk investments but ordinary businesses that the Liberal Party government and its National Party partner go on and on about wanting to support: 'We're here for business.' Well, they are not. These are businesses making smart decisions around clean energy and clean technology but, for whatever reason, that is not good enough for this government.

I want to put on the public record in Hansard that the Clean Energy Finance Corporation is one of 14 organisations across the world that acts as a catalyst for investment in renewable energy and clean technologies. It fills a groundbreaking role in mobilising capital for clean energy technologies—a groundbreaking role, yet we want to get rid of it. This is a corporation which stands on its own two feet, a corporation that makes an average return of seven per cent per annum, yet the government with its National Party colleagues wants to shut the Clean Energy Finance Corporation down. Never mind that it returns seven per cent per annum. For the ordinary Australian investor that is more money than you would make putting it in the bank. Since created by Labor—I think that is the crux of the issue here, that it was created by Labor so it has to be smashed down regardless of how effective it was—

Senator Ludlam interjecting—

Senator LINES: You can say that in your speech. The CEFC has committed $536 million of its own budget whilst mobilising over $1.5 billion in private capital—a success in anyone's terms, except apparently the government with its National Party mates. I only learnt this the other day and I wish I had known about it beforehand because it is something as a West Australian to be really proud of: in Western Australia the Clean Energy Finance Corporation invested in a fantastic project with Richgro. For those of you who come to Western Australia, Richgro is a name you see all over the city. They are a major Australian garden products
supplier using waste energy technology which meets all of their power needs. They are doing that by recycling organic waste. That is a brilliant project and it is only made possible by CEFC funding—a project well and truly worthy of investment but one obviously that the coalition government sees absolutely no merit in.

To go further, this government claims it is fiscally responsible, it is open for business, it knows how to manage money; it goes on and on about its economic and financial credentials. Yet this government has done not one scrap of due diligence on the CEFC. It has put no business case as to why it should be closed down. It has undertaken no analysis, it has done no review. It is just acting out an ill thought out, poorly conceived, sloganistic election line. This bill, the Clean Energy Finance Corporation Abolition Bill, winds up the clean energy corporation, which is an institutional investor and underwrites projects. Its assets and liabilities will be presumably transferred to a government bureaucracy and left to wither and die, on the heads of the coalition.

What we have heard from the government is that they had some kind of mandate and that this was a key election issue, that the election was a referendum on the carbon tax. Guess what: that is simply not true. It is only in the minds of coalition senators and MPs that this was a big issue. Despite the continuing rhetoric on the carbon tax, it did not rate as a key issue for voters in the election period; it was not a top five issue. In fact, the only time it rated at all was when Prime Minister Rudd announced that he would terminate and that we would terminate the carbon tax—a fact now conveniently forgotten. So we support the repeal but not to leave us with nothing and not to knock off effective organisations like the Clean Energy Finance Corporation. It is a shameful act and those opposite will rue the day that they did it.

Senator LUDLAM (Western Australia) (10:42): I rise to oppose this bill in the strongest possible terms. That we are even here debating this bill is an indictment of this government, a government that seems to take perverse pride in its destructive attitude to the renewable energy industry and anything else that might prevent our slide towards climate chaos. What kind of government brings forward as its first act, its highest priority, the dismantling of a functioning carbon price scheme? What kind of government lines up every political and legal weapon that it can muster to attack the Australian clean energy sector? What kind of government takes stock of the collective years of experience of the public sector, bolstered with the kind of private sector expertise that we see within the Clean Energy Finance Corporation, and immediately embarks on a process of mass sackings and redundancies? Well, the same kind of government that we see in Western Australia and in Queensland. We know who has set the template: people like Colin Barnett and Campbell Newman, a yawning vacuum of imagination, yesterday's men who have somehow deluded themselves into thinking that something as powerful and dangerous as the global climate system can be subordinated for momentary political advantage.

So this is the finest hour of the Abbott regime and is arguably your entire reason for being. Yours is a government that was defined from opposition almost entirely as negative space, an opposition defined by the absence of anything approaching an agenda apart from dismantling the achievements of the last two parliaments. So this is your big moment. This is the moment where you propose to dismantle the Clean Energy Finance Corporation, which will cost the budget something in the order of $200 million a year and crash the renewable energy sector in Australia just as it is finding its strength. What I do not understand is why all of you on that
side of the chamber are suddenly looking so shaky. All the bluster has gone out of you. The Liberals put up one speaker yesterday, Senator Abetz, who quickly ran through the same tired talking points that he has been reciting for three years and then sat down. The rest of the Liberal Party have stayed in their offices and the Nationals have not showed up at all at your moment of triumph, and that is what I am struggling to understand.

Who remembers Tony Abbott's people's revolt? Does anybody remember that? It was the anti-environment movement that was meant to rise up. I can remember some revolting placards and a handful of desperately overhyped rallies that ran out of puff after a couple of weeks once Alan Jones's attention started to wander, but that was it. The people's revolt—the people rising up against the socialist renewable energy industry and the carbon price—actually never happened.

In one year, the Clean Energy Finance Corporation has already achieved nearly four million tonnes of carbon emissions abatement—more than half of our annual target. For all of the strange financial illiteracy on display on the other side—people calling it a hedge fund or Bob Brown's bank—this is not a grants organisation and this is not writing out cheques that the Commonwealth does not get back. It is making money for the taxpayer of approximately $2.40 for every tonne of carbon abated. Who knew that you could actually make a financial return to the taxpayer at the same time as eliminating greenhouse gas emissions and creating jobs in the sunrise industries of the 21st century? It is generating a 7.3 per cent return on investment, which is nearly four per cent above the standard government bond rate. It is an entity that is filling the budget vacuum that has been left by your proposals to abolish the carbon price and the mining tax and it attracts just under $3 from the private sector for every dollar that it invests.

How awkward for you to discover in a committee hearing that this entity that you propose to wreck is actually making a financial return to the taxpayer. How exactly does that square with your budget emergency and your desperation to attack the Public Service, cut education spending, cut health spending and abolish public transport funding because you are in such a desperate budget emergency? Yet, at the same time, you line up to kick apart an entity that is making, and intends to make, a $200 million return on the taxpayers' investment. How awkward for you. How interesting that Senator Abetz in his contribution yesterday, before he scurried back to his office, did not mention the words 'Clean Energy Finance Corporation'. He ran through the three-word slogans and then he went home. He did not mention that the premise of the bill is to attack and dismantle this entity that is already doing so much to show how we can actually take control of our greenhouse gas emissions.

The CEFC, as others have noted, is one of 14 co-financing institutions around the world that are catalysing and creating huge investment in renewable energy. Bloomberg New Energy Finance believe the investment in one year is upwards of $58 billion in renewable energy and $109 billion in energy efficiency globally. At last we have the Australian parliament and the Australian government doing its bit. As the empty government benches show, maybe you are not quite as proud of this as you might have displayed during the people's revolt.

Senator Birmingham: There is only one other person on your benches, Senator Ludlam.

Senator LUDLAM: Were you at those rallies, Senator Birmingham, with 'ditch the witch', 'axe the tax', the people's revolt and the pitchforks? I am not sure that you were.
Senator Birmingham, you are one of the people who I hold in quite high regard on that side of the chamber because I know that you get climate change and renewable energy. I have no idea how you can show your face in here as we contemplate the dismantling of an entity that makes money for the taxpayer while reducing carbon emissions and creating jobs. How on earth do you people sleep at night?

As I said, we know the mentality. What kind of government would do this? A government like that of Premier Barnett in Western Australia. This is a government that is spending upwards of $330 million to resurrect the obsolete and defunct Muja coal-fired power station in Collie. What could you do with $330 million? Why not pump it into a coal-fired power station that our energy grid does not even need? The government unsuccessfully tried to kill off a feed-in tariff into solar voltaics and had to suffer a humiliating backdown when the huge number of people in Western Australia who have installed home PV marched on parliament and demanded that the government uphold its obligations and its contracts.

This is a premier who presides over the Synergy, the energy retailer that passed on the carbon tax to customers in full. People like me, who avail ourselves of the 100 per cent renewable energy product, got a polite letter from Synergy saying, 'We will be passing on the carbon tax in full; there is nothing you can do about it; you might like to consider withdrawing from the 100 per cent clean energy contract that you have.' That is the solution that they proposed. At Western Power, all 100 staff in the smart grid division have been cut and all sustainability staff, science educators and outreach staff are being pulled out. There are only two people left in the state bureaucracy with expertise over matters of climate change. They say it is federal issue at the same time as opposing any federal action. That is the template.

My colleague from Queensland, Senator Waters, no doubt has similar experiences inside the Queensland bureaucracy as anybody with the word 'climate' or 'energy' on their business card is washed out the door after the election. It is systematic and deliberate destruction of expertise within the public sector while you go about crippling private sector activity at the same time. I cannot think of any other explanation. You are not attacking the renewable energy industry because it cannot do the job; you are attacking it because it is doing the job a little too well. If there is another explanation, I would be fascinated to hear it. Just at the point that we are seeing the overtaking of investment in fossil and long-dead investment in nuclear power by investment in renewable energy in global energy markets, along you come to kick the hell out of an entity that is getting the job done here in Australia.

Senator Birmingham: No, you have just outlined that the private sector is starting to take it up.

Senator LUDLAM: As you well know, Senator Birmingham, private sector industries such as energy, telecommunications or anything else are supported by the taxpayer. The taxpayer, in the public interest, created the coal-fired power stations that got the disparate colonies of the Australian Commonwealth on their feet a hundred years ago, before the Commonwealth even existed. More recently—taking the Western Australian example—getting the gas industry on its feet in the 1980s took huge public investment in the Dampier to Bunbury Natural Gas Pipeline. These are massive subsidies for industries in the public interest to broaden the energy sector and to reduce our reliance on coal-fired power. Taxpayer-funded investment in new industries is how they get on their feet when they are not
mature. That is why you have a feed-in tariff for industries that are expensive, like solar PV. It props them up, and, as they become commercial, you withdraw the subsidies. That is how the German government, through the German Greens in the German parliament, got the German PV industry on its feet. Now it employs hundreds of thousands of people. It then took the Chinese government, also using strategic public funding, to get economies of scale and now we see solar at grid parity even in countries like Australia.

Under this government, Australia is not open for business. How you create and set up industries such as baseload renewable energy industries—the next generation of technologies coming down the line—is with public support and public assistance. What better way to do it than with a clean energy investment arm—people who understand the particularities of the technology and the risk; people with substantial private sector experience, taking advantage of the low borrowing cost of the Commonwealth, leveraging three dollars for every one they spend and returning a small return to the taxpayer? That, I should say, is what then tops up the ARENA grants funding for research and development. You have people—the start-ups, the innovators, the people taking risks—who need assistance to get on their feet. That is what ARENA does. If you knock over the CEFC, you knock over the mechanism that helps finance ARENA and get things on their feet.

We should also acknowledge that Tony Abbott does not go around talking about climate change as though it is crap anymore, does he? His minders have got to him and said, 'You can't actually call climate change crap. You have to pretend to care. You have to pretend to have a policy, just to sideline it, just to get it out of the way—to get it off the front page and, therefore—

Senator Jacinta Collins: Neutralise it.

Senator LUDLAM: Neutralise it. Exactly, Senator Collins. What better way of doing that than a bucket of money to hand out to your National Party colleagues to go plant trees? 'We will call that direct action.' I tell you what, Mr Abbott: if you want direct action, you are going to get it. You are going to get it at the coal terminals in Newcastle. You are going to get it around gas fracking. You are going to get it when farmers lock the gate. If you want direct action, direct action is what you will get. Coming out, then, and saying that this government is open for business in matters of technology and energy investment—while doing everything you can to wreck progress in that sector—belies the fact that this is a government that is open for business in matters of technology and energy investment—while doing everything you can to wreck progress in that sector—belies the fact that this is a government that is setting out to systematically undermine renewable energy technology because it threatens the vested interests of the coal and gas industries which donate so generously to the Liberal and National parties every year. That is why the Nationals take the side of the gas industry over farmers; it is why the Liberal Party takes the side of the oil, gas and coal industries over the new industries we hold in trust to prevent the catastrophic impacts of climate change.

This is not simply a technology debate we are having. This is not an industry policy debate we are having. This is debate about whether, in 40 or 50 years time, we live in a world with two degrees of climate change or whether we are on the path to four degrees. Four degrees will put us into a new geological era. It is the other side of a mass extinction. It means sea level rise and communities having to withdraw from coastlines. It means withering droughts that destroy farming communities permanently. It means, by the end of this century, towns like Kalgoorlie, Darwin and Port Hedland being in climate zones that do not presently exist on the planet. We are not just having a technology debate here. The people who will look
back from those future times on the debates occurring in this parliament, over bills like this, will not thank us. They will not appreciate the three-word slogans. They will not have joined the people's revolt—the one that did not happen.

As it happens, I have had a bit to do with the Clean Energy Finance Corporation in Western Australia. They briefed a meeting, ironically enough, of your stakeholders—the mining industry—in Kalgoorlie earlier this year to explain how the mechanism would work. They said: 'We are not a grants organisation. We are not here to write out cheques that we won't see again. We are here to get the industry on its feet.' And the first people at the front of the queue will be the gold and nickel producers in the goldfields who are looking for some kind of hedge against skyrocketing gas and diesel prices. They are the ones who will build the first iteration of this technology in Western Australia. Not because they are driven by the climate imperative—they are driven by commercial imperatives and they are looking to get technology into the ground that can protect them from rising energy costs. I say to those interests, those mining companies who will be the first ones to build the next generation of this technology: go for it. You have our backing. You have our blessings. If there is anything we can do, inside or outside of this parliament, to make sure those investments are made and those projects are built, the Greens will do it.

We wrote the policy because the state government failed to do so. Having sacked and washed out the entire bureaucracy and the people with expertise in these matters, there was nobody left in the state government to write the renewable energy strategy for Western Australia, so we did it with the help of some consultants, some engineers and some people with experience in the Western Australian energy market. We developed a proposal called Energy 2029 that put the question: could we go 100 per cent renewable on the south-west energy grid of WA? Could we keep the refineries and the chemical industries in Kwinana, keep the lights on and the air conditioners running, and go 100 per cent renewable by the year 2029? That will be the 200th anniversary of the establishment of the Swan River colony and the occupation of south-west Western Australia. Let's give ourselves something to celebrate in year 2029 with a 100 per cent renewable energy industry.

But before we put that on the bumper sticker we asked the engineers if it could be done and at what cost. What would be the technology mixes? Where would you build the kit? What would it look like and what would the jobs implications be? Before we put it on the bumper sticker, let us find out if it is possible. So we released a costed technical report in March, outlining two scenarios to reach 100 per cent renewable energy in Western Australia by 2029 and one for 'Barnett as usual'—one where we just keep on polluting until we have firmly turned the weather against us and business as usual is no longer possible. We showed we can get there for the same cost as business as usual because, by the year 2029, we will have eliminated fuel costs.

That is the key thing I do not think the coalition gets about renewable energy: it is capital intensive and costs very little to run because sunshine is free. Tidal energy is free. The wind is free. That is what you do not get. That is the profound change that our energy networks are in the early stages of going through and they need government assistance to get there. What has never been manifested on that side of the chamber is any sense of urgency about the challenges we face.
We found that construction for the Energy 2029 program would create more than 26,000 new jobs, including 8,000 to 18,000 in solar thermal farms and 2,500 in energy storage. That is three times as many people as are presently employed in the coal, oil and gas extraction industries in Western Australia. If you are serious about jobs—if you really want people to believe you are open for business—then lift your eyes to what is happening in energy markets around the world. We need to catalyse this change in WA.

Renewable energy can be used as another crop in rotation, providing a new and reliable source of income for our farmers. Senator Lines touched on some of these issues before. There are huge potentials in the wheat belt for farmers who are really struggling with changing climate patterns and volatile world markets for their commodities to introduce an energy crop into the rotation. I am speaking in particular of the instance of oil mallee cropping in the Western Australia wheat belt.

The CEFC briefed the goldfields mining interests, the council and the development commission on the possibilities for large-scale solar thermal. This is the really interesting technology where we can dispose of the notion that when the sun goes down the lights go off. We can now build baseload solar thermal plants that run 24/7.

Senator Milne and I visited a utility-scale plant in the south of Spain about this time last year. It had just been running for a full 365-day cycle. It is like a magnifying glass a mile across. It cooks a molten salt solution up to 600 degrees. You bank that for use after dark, and you can run steam turbines 24/7 as a baseload plant. A company called SolarReserve are setting up a plant, which they are commissioning this month in the high country of Nevada, that is six times the size of that plant in Spain. They are scouting Australia to open an office here. I have been putting the proposition that they open it in Western Australia because I seriously believe that the goldfields in central Pilbara are the first places in Australia where these stations should be built. My colleague Senator Hanson-Young, from South Australia, might disagree. I am happy to get in a race with Port Augusta for the first one to be built. I do not mind—we just need to get on the go.

These are the new technologies that need the kind of support that is being provided by ARENA and the CEFC. The last thing these industries can put up with is the idea that you would pull it apart around them.

We hear a lot in this place and from this government about red tape and green tape—and, on a bad day, if you have Aboriginal interests that you are trying to sideline over land rights, it will tell us about black tape. But this package of bills represents a mass of brown tape—a cynical and systematic attempt to hobble the clean energy technologies that are poised to outcompete 20th century coal and gas interests. Brown tape is what is keeping the Australian economy in the fossil age even as the world moves with determination towards the clean energy age.

What kind of government wants to be the first in the world to dismantle a functioning carbon price system? It is the kind of government that has failed the most basic obligation that it owes to its electors: the long-term wellbeing, protection and security of its people.

**Senator BILYK** (Tasmania—Deputy Opposition Whip in the Senate) (11:01): Some bills that enter this place contain subtle nuances but not so this bill, the Clean Energy Finance Corporation (Abolition) Bill 2013. The point of this bill is very simple: it is just the
government trashing the joint purely for the self-interest of their friends in the non-renewable energy sector. Slash, cut, trash—that is already the hallmark of the Abbott government. They do not believe in climate change, so they will destroy the Clean Energy Finance Corporation. They are like small children having a tantrum and smashing their toys to bits.

The objective of the CEFC is pretty simple to see. It is to overcome capital market barriers that hinder the financing, commercialisation and deployment of renewable energy, energy efficiency and low-emissions technologies. The CEFC invests in firms and projects using these technologies as well as manufacturing businesses that focus on producing the inputs required.

This move to destroy the Clean Energy Finance Corporation is pointless and is counterproductive. Confirmation of just how pointless and counterproductive this move is came in the recent supplementary Senate estimates hearings. Under questioning from Senator Wong, Clean Energy Finance Corporation chair Ms Jillian Broadbent highlighted just how successful the corporation had been at leveraging private sector investment for clean energy projects. She said:

We have invested $536 million. That has been matched three-to-one with private sector funds, so it has resulted in $2 billion of capital investment in the sector. There has been $2 billion worth of capital expenditure in the sector because with every $1 we invest we have mobilised $3 of private sector funds.

This shows that the Clean Energy Finance Corporation is performing exactly the way it was intended to. What makes this move to abolish the Clean Energy Finance Corporation even more bizarre is that it is making a profit. I quote Ms Broadbent again:

We have comfortably covered the government's cost of funds and our own operating costs, so we are earning about three to four per cent over the government bond rate.

And she said:

If we continue at the pace of investment, we certainly would be paying dividends to ARENA …

… at the end of 2015.

So this government wants to abolish an organisation which is not only spectacularly successful at leveraging private finance for clean energy projects but turns a profit as well. The government claims it wants to reduce debt, yet here today it is seeking to close an agency which is turning a profit. I do not know that I would call that good economic management. It is utterly incomprehensible to us on this side.

I will quote the CEO of the Clean Energy Finance Corporation Mr Oliver Yates, who also appeared at the supplementary budget estimates. He said:

The projects that we have done so far actually achieve emission reductions of approximately four million tonnes per annum. … That already constitutes about three per cent of the government's challenge in meeting its negative five per cent baseline.

That is, they have already provided finance for projects that will deliver 60 per cent of our emissions reductions target and have leveraged $1.5 billion worth of private sector investment, all while making a four per cent profit. And those opposite want to close it down!

On top of that, closing the Clean Energy Finance Corporation—an enterprise, as I have said, that is making a profit—will involve a significant cost. To once again quote Mr Yates at the supplementary estimates hearing:
The best indication of that is the underlying cash balance forecast, which actually shows that the government would actually lose $80 million over the forward estimates period by closing the CEFC down, before we even get to any of the close-down costs of staff costs and everything else.

To repeat: that is a loss of $80 million before the costs of redundancies and breaking leases and other contracts.

This decision and this bill are utter lunacy. It is madness. The Clean Energy Finance Corporation is there to encourage investment in the clean energy sector, and it is performing this role exceptionally well. The contracted CEFC portfolio consists of 12 CEFC transactions, including one subsidiary transaction under the CBA Energy Efficient Loans to a value of $483 million and the Low Carbon Australia investments to a value of $54 million. This represents a total of 47 projects. Its portfolio represents a diverse mix across the economy with projects comprising 56 per cent of renewables, 30 per cent in energy efficiency and 14 per cent in low-emissions technologies. The projects are spread across the country in agribusiness, property, manufacturing utilities and local government. It has financed projects involving wind, solar and bioenergy across Australia, both on grid and off grid, as well as energy efficiency and low-emissions technology projects in manufacturing, buildings and local government.

One of the projects funded by Low Carbon Australia, now the Clean Energy Finance Corporation, was a lighting upgrade for the local government civic centre across the road from my office in Kingston, Tasmania. As another Tasmanian senator, Senator Bushby should be very interested in this. That has cut the building's lighting energy costs by 75 per cent. The Kingborough Council replaced the building's fluorescent lighting system with more energy efficient LED tube lighting to make energy savings of more than $11,000 a year. The council covered the $45,000 up-front cost with finance from Low Carbon Australia, now the CEFC. I do not know how Senator Bushby will be able to support this bill, bearing in mind that that is just one example of help that the organisation has given to a great Tasmanian council. Of course, with that it has the expected 20-year life expectancy of LED lighting compared with four years for the old fluorescents, so that means the council is also saving on its maintenance costs.

Other projects as outlined in the Clean Energy Finance Corporation submission to the Senate inquiry into this package of bills include a $100 million energy-efficient loan facility, co-financed with the Commonwealth Bank, to provide funding to smaller businesses, particularly supporting the needs of the manufacturing sector, to upgrade facilities and equipment to be more energy efficient and reduce energy costs while reducing carbon emissions.

The CEFC is co-financing Sundrop Farms' 20-hectare greenhouse development near Port Augusta, South Australia. This will use solar thermal technology to desalinate seawater to provide irrigation and to heat and cool the greenhouses. Sundrop Farms' facility will produce over 15,000 tonnes of tomatoes a year for metropolitan markets across Australia. The project is an exciting demonstration of how new technology can be applied to transform the Australian economy and create new industries and jobs, which are most important, in regional areas. This project will be a demonstration of sustainable horticultural practices at scale, addressing the challenges of food security, water and energy availability.
A new wind farm near Taralga, New South Wales, co-financed with ANZ and EKF, which is the Danish government's export credit agency, will use Australian-manufactured towers made in Portland, Victoria, from BlueScope Steel. This project is providing a boost for the local wind-engineering sector and will further develop Australian manufacturing capability in supply-chain scale, creating valuable regional employment.

The CEFC is providing $75 million in corporate finance to Energy Developments Limited for investment in new projects generating energy from waste coalmine gas and landfill gas. Using fugitive emissions from coalmines and landfill to generate electricity that would otherwise come from higher emission sources creates significant environmental and economic efficiency benefits.

The CEFC and National Australia Bank are co-financing Australia's largest beef company, Australian Agricultural Company Limited, for the installation of solar photovoltaic units across 15 grid-connected sites in Queensland and an innovative on-site waste-to-energy project at Darling Downs Fresh Eggs at Pittsworth, also in Queensland. These small-scale projects provide a good demonstration of the strong business case for on-site renewable power plants. The CEFC has received a strong market interest for productivity-enhancing projects like this one.

The CEFC's participation in the Macarthur Wind Farm refinancing and sale by Meridian Energy has demonstrated that developers of large-scale renewable energy projects in Australia could successfully complete a development and finance exit cycle. CEFC's finance helped ensure efficient market pricing and encouraged other banks to participate.

The CEFC is providing up to $60 million of debt finance to Moree Solar Farm for the development and construction of a 56-megawatt solar photovoltaic power plant in northern New South Wales. The CEFC's participation in this project is a first in the Australian market for financing large-scale solar photovoltaic projects.

The CEFC has provided finance to enable the final stage of the Portland Wind Energy Project to start construction after 10 years of development. This is a world-class wind site, and the project involves significant local industry participation. It has strong community support, all of which makes this hallmark project demonstrate the CEFC's vital role in driving new investment.

In their submission to the inquiry into this bill and the other carbon repeal bills, the Investor Group on Climate Change said:

The Clean Energy Finance Corporation has played an important convening role in the finance community and increased the pipeline of investable low carbon opportunities. In what is a nascent low carbon investment market, an independent, third party co-financing organisation, with a commercial, approach builds confidence and capacity in the market. CEFC has played such a role.

Evidence from the CEFC's early operations indicate that the organisation is delivering on its mandate of attracting private investment (with a 3:1 contribution of private to public finance) and achieving low cost abatement (a negative cost of $2.40/tonne).

Co-financing is likely to continue to be a key element of climate policy globally and it is in Australia's interests to use this model as part of its climate change policy suite.

I guess we have to ask ourselves: what is the impact of shutting down the Clean Energy Finance Corporation? Mr Yates, once again in Senate estimates, said:
But the impact of the shutdown of the CEFC would actually be quite broad at this stage. There is considerable uncertainty in the market, and the CEFC is playing a very active role in trying to enable people to continue to pursue transactions in an environment of uncertainty. So, for many project participants, this will continue a trend which will probably see them not be able to finish projects that they would have liked to have finished.

In their written submission to the inquiry into this bill, the Clean Energy Finance Corporation said:

As at 20 August 2013, the CEFC had … received proposals … from over 170 project proponents seeking CEFC finance of over $5 billion (with total project costs of over $14.9 billion) … It is clear that demand for the CEFC from the market remains extremely high.

And they said, 'This means that billions of dollars worth of investment, maybe over $10 billion worth of investment, is at risk were this bill to pass.'

We have seen that the corporation has been successful financing clean energy projects, that it has been successful at leveraging investment from the private sector, that it has been successful at increasing the investment pipeline of renewable energy in Australia and that it has even been successful at turning a profit. So why are we here today? Why are we debating this bill? Why are we closing down the Clean Energy Finance Corporation, when, to quote Mr Yates yet again, 'Bloomberg New Energy Finance is indicating that there is $58 billion being lent by equivalent agencies like the CEFC this year alone on the renewable energy sector and about $109 billion in the energy efficiency sector?'

Why are we closing down the Clean Energy Finance Corporation when the UK, Japan, Malaysia and the US are setting up similar bodies? Even Mr Abbott's conservative friend in the UK, Mr David Cameron, has set up the Green Investment Bank for similar reasons and on a similar model to the Clean Energy Finance Corporation. Why are we going to allow other nations to take the lead and develop new industries, leaving Australia stuck in the last decade? Is it really because those opposite are so petty that they want to trash absolutely everything the last government did?

This bill we are debating today says that the government are willing to destroy thousands of jobs in the clean energy sector, that they are willing to close an agency making a substantial profit, that they are willing to cost the taxpayers over $80 million closing it down and that they are willing to completely destroy any chance we have of reaching our five per cent emissions reduction target by 2020 so that the former Labor government gets no credit. This move is unbelievable. In fact, it is quite disgusting. What is more disgusting is that those opposite are so arrogant that they have presumed the power of this place and are seeking to shut down the Clean Energy Finance Corporation without the agreement of this Senate.

The Treasurer, Mr Hockey, recently wrote to the board of the Clean Energy Finance Corporation instructing it to 'suspend operations and cease making payments'. Mr Hockey cannot just order the closure of an independent statutory agency without the consent of this place and the other place. He knows this, and that is why we have this bill in front of us today. Those opposite have to actually get this bill passed, not just bully the CEO and the board. The CEO and board have legal obligations under the CEFC Act and the Commonwealth Authorities and Companies Act 1997. The board has received advice that:
A direction to cease activities or cease investments, or to cease payments, would frustrate the legislative purpose of the CEFC Act and would be inconsistent with the CEFC Act ... the CEFC's activities cannot be terminated by executive action.

Mr Hockey is asking the board to act against its own responsibilities under the CEFC Act, and I find this is extremely disappointing from the Treasurer.

Let us not forget that the Minister for the Environment, Mr Greg Hunt, has described the Clean Energy Finance Corporation as a 'giant green hedge fund'. I would like to take the opportunity to voice the concerns that the CEFC had with this statement and that they addressed in their submission when they said:

The CEFC is not a hedge fund in any way, shape or form. The CEFC has $536 million invested of which:
- $0 is invested in hedging
- $0 is invested in derivatives; and
- $0 is invested in guarantees.

So while it has the ability to do so under its legislation, the CEFC has not engaged in any hedging, derivatives or guarantees.

The Abbott government have not given any clear reasons for wanting to close this corporation. If those opposite are concerned because its lending is backed by government bonds, as I said previously, it is making a profit of around four per cent. If those opposite are concerned that it is backing projects that the private sector will not back, as I said previously, it is leveraging almost $3 for every dollar it lends.

Is it because those on the government side really do not believe in climate change at all? Is that the real reason? Is it because Tony Abbott believes climate change is 'absolute crap'? Are those opposite really wishing to destroy the Clean Energy Finance Corporation, destroy the projects and jobs that are backed by the CEFC and destroy the pipeline of clean energy projects just because they do not believe in climate change? This decision makes absolutely no economic sense. This decision makes no environmental sense. If we are to make a five per cent emissions reduction target by 2020 then there is absolutely no environmental sense to this decision. If the government do not believe in climate change, they should just fess up. If they are acting on behalf of the interests of their friends in the oil and coal sectors, they should just fess up. They should just be honest with the Australian people. It is just a pattern of behaviour from an untrustworthy, backflipping, antiscience government. The Australian people deserve much, much better.

I would like to finish with one final quote from the Clean Energy Finance Corporation's submission to the Senate inquiry:

In the short time since its establishment the CEFC has demonstrated its capability and its potential to assist our economy making the transition to Australia's future energy mix. Through its activities (should it continue to exist), the CEFC can play a valuable part in the developing the capabilities and capacity of a globally competitive Australian clean energy sector and in catalysing investment in new energy infrastructure and energy efficiency across the economy.

I call upon the Senate to reject this extremely thoughtless, short-sighted and ideological bill.

Senator MADIGAN (Victoria) (11:21): Whilst I and the Democratic Labour Party have been critical of the carbon tax, we acknowledge that it is part of a much larger legislative
package that includes some useful and important initiatives. I do not support the abolition of the Clean Energy Finance Corporation and I urge the government to amend its legislation and to retain the Clean Energy Finance Corporation.

I want the Australian population to be very clear: the Clean Energy Finance Corporation is not providing grants to fund projects. It is not giving away taxpayers' money. It is a pro-industry development bank that is helping drive private and public investment in lower emission and cleaner energy technologies. It prefers Australian manufacturers. It is helping our farmers and our manufacturers to reduce their costs and to use energy-efficient equipment. It requires borrowers to be responsible, to deliver on their project commitments and to repay their borrowings. It leverages private capital to invest in areas they might otherwise ignore, like energy generation using methane emissions from farms and industrial processes.

The Clean Energy Finance Corporation is dragging Australian financial institutions into investing in the 21st century. It is helping fulfil the role that used to be filled by the likes of the Commonwealth Development Bank, the rural and regional development banks and other public lending institutions that engaged in nation building. The Clean Energy Finance Corporation epitomises direct action on lower emissions to support the development of new technologies and to help commercialise cleaner technologies. Its eligibility criteria recognise the necessity to support transition technologies, Australian innovation and Australian manufacturing content. Energy and manufacturing are industries that demand a practical approach to complex but inherently practical problems.

I suggest that abolishing the Clean Energy Finance Corporation is ideologically driven. You do not solve practical problems by ideology. You solve these problems with practical solutions. The Clean Energy Finance Corporation is a vehicle that encourages and supports practical solutions. It takes the approach of building a diversified portfolio, encouraging cleaner energy generation using a range of technologies, encouraging efficiency and savings and encouraging private and public sectors to upgrade their technology using low-emission, efficient equipment. Examples include the Baw Baw Shire Council upgrading their street lighting, Castlemaine School of Mines reducing the energy use in their buildings, the CQ Melbourne building upgrading their heating system using trigeneration technology and many others.

Compare this to the idiocy of governments encouraging some $65 billion of private and public investment in gas export developments that have overcommitted Australia in export market activities. The export demand for our gas is so huge that our manufacturers are being left without gas and are unable to enter into gas contracts with suppliers. Gas prices are expected to quadruple and household gas prices will rise. The flow-on effects will erode our manufacturing base and, in some cases, destroy local manufacturers. How do we feel about the possibility of seeing our glass manufacturers close down, our paper mills stop production, our chemical manufacturers shut up shop? How do we feel about the possibility of destroying our artesian water supplies with more and more coal seam gas development to meet our gas needs, because we are exporting too much and we allowed private companies to invest too much money in gas extraction and processing in this country?

The Clean Energy Finance Corporation is the very opposite of this madness. It is contributing to sane, sustainable, measured investment in the short, medium and long term. It
supports and encourages good local industry development on a responsible basis. I want an energy transition that promotes Australian jobs, Australian technology and innovation and Australian manufacturing and helps protect the environment to boot—economic, social and environmental outcomes we can all be proud of.

Practical solutions that achieve such high performance standards take a long time to develop and commercialise—20 years or more. They also need ongoing government assistance along the way. It is extremely difficult to embark upon and keep alive the development and commercialisation process across the decades necessary to bring such technologies to market. The Clean Energy Finance Corporation is absolutely essential in helping the development and commercialisation of these absolutely essential technologies.

I look at some of the cleanest, greenest countries on the planet, such as Germany, which are eminently practical in their approaches to reducing emissions. German coalition governments take practical approaches to practical problems. They provide direct funding and capital grants to develop and commercialise low-emission technologies. They assist companies and households to buy low-emission technologies. They are driving down emissions by using a combination of direct action, including capital subsidy programs and regulation, as well as taxing pollution.

Even if we do not like the carbon tax—and I have never been a big fan—I do not believe in throwing the baby out with the bathwater. I urge the government to retain the Clean Energy Finance Corporation. Several times, when I have asked questions in this place or of people in the other place, I have been told about 'sovereign risk'. What is the sovereign risk if the Clean Energy Finance Corporation is abolished and uncertainty is brought to the market you profess to protect?

Senator POLLEY (Tasmania) (11:28): I rise to speak on the Clean Energy Finance Corporation (Abolition) Bill 2013, something I hoped I would never have to say in this chamber. I would like to inform those opposite me that it was a ridiculous proposition to debate all of the repeal bills at once. The coalition would like it very much if we remained quiet whilst they busily swept away hard-fought legislation designed to address climate change and reposition Australia's economy. But we did not allow that to happen. We will not do it, because there has been minimal time for committee consideration and, perhaps even more importantly, no genuine examination of just what they are proposing to do. When all you have is a hammer, every solution is a nail, and so we have a coalition getting ready to repeal legislation wholesale in 2013 and beyond. All they know how to do is block, repeal, frustrate and hack away at policy reforms that are in long-term interest of Australia. They are acting in government just as they did in opposition.

Proper debate needs to happen. That is why we are here; it is why parliament is sitting. The Prime Minister seems to somehow have forgotten that. He is leading the least transparent government in living memory. What the government have failed to adequately explain to the Australian people is that once they repeal this legislation of Labor's, including the price on carbon, they will not be introducing anything to replace it. Instead Australia will be a country without a climate change policy, which is quite simply unacceptable.

The value of the Clean Energy Finance Corporation is well known to those with any sort of interest in combating climate change. That does not include those opposite, so allow me to educate you a little. The corporation itself is critical in Australia's efforts to reduce our
reliance on carbon emissions. By facilitating comprehensively commercial loans for renewable clean energy technology investments, it acts as a vital catalyst for investment and growth. When it comes to encouraging new forms of energy technology and repositioning the Australian economy, it is a real game changer. Also it must be pointed out that the government's alternative plan as part of its Direct Action policy, the Emissions Reduction Fund, will cost taxpayers billions of dollars. The fund would not be self-sustaining and it would not boost government coffers. In contrast, the CEFC funds emissions reductions at a negative cost to the government, so that means a negative cost to the taxpayer. In fact, it has the potential to return $200 million per year to the government coffers, all the while reducing carbon pollution and changing how this country meets its energy needs in the 21st century. It sounds like value for money to me, but perhaps I do not understand because I refuse to embrace things like a 'commission of cuts' to repeat what Premier Newman has done in Queensland on a national scale.

It really is extraordinary that the government do not see the value of retaining this body. They are blind to scientific evidence. They are blind to commercial opportunities. They are blind to common sense. They are reckless zealots who would make Nick Minchin blush. I wish he were here right now. He would shrink in his seat to see the monsters he has created on the other side.

The CEFC's role is so important in the fact that it has been tasked with managing $10 billion to invest in renewable energy projects. As the Climate Institute chief executive, John Connor, said recently:

We still need the Clean Energy Finance Corporation to help commercialise new technologies and to build the skills in our own financial services sector.

The CEFC has achieved this great success so far in transitioning Australia from a higher carbon economy to a lower carbon economy as efficiently as possible. Even though it has only been up and running for a year and a half, it has led to $1.6 billion in private sector investments through co-financing schemes—that is $1.6 billion of new investment. This is something that Labor should be proud of, and we are.

It is particularly dispiriting, though not at all surprising, that the government has not offered the CEFC chairwoman, Jillian Broadbent, proper respect and courtesy. She knows and indeed the entire corporation knows that the Prime Minister is not listening and the government is not open to new advice. Ms Broadbent is an economist and a successful businesswoman, but her insights are no match for the cynical political calculus favoured by the current government. It is a case of David versus Goliath, and in this instance David will not win.

The coalition machine has latched on to something where it can see a distinct political advantage. Never mind the future of Australia's economy, never mind Australia's future energy consumption, never mind the incredible work of the CEFC and never mind boosting investment to combat climate change. None of this matters to those on the other side. By abolishing the CEFC, the Abbott government plans to drag Australia backwards and make us significantly less competitive in the emerging 21st century markets of renewable and cleaner energy technologies.

Australia of course is not the only country to devise a body with the aim of providing commercial loans and investment in this area. In fact, about 14 similar organisations exist
around the world. What the coalition has to realise is that these countries will capitalise on the Abbott government's parochialism and short-sighted self-interest. They are not going to pack up shop; they will pounce on our mistakes, and they will reap the rewards. These are countries in Europe such as Germany that recognise where the world's future energy needs will be supplied, and they want to be at the forefront of new technologies for decades to come.

What the Prime Minister cannot see is that real work is required to boost these fledgling markets to ensure that Australia can compete with other countries that have the potential to race ahead of us. As Ms Broadbent herself said:

Getting financiers to move to new areas is very hard to do and you can say there's a market and it just happens. I really believe the market should solve these things. But I can also see when markets aren't working and this is a very focused effective tool to help the market to work.

That is the key to all of this. The coalition's stubborn mindset holds that the market should be the arbitrator of everything, that the businesses should be left to thrive or perish. But what they do not recognise is that there are many barriers to private financiers in the renewable and clean energy sector, and we need to foster and encourage private investment in emissions reductions. Ms Broadbent has noted:

If you say to one of the major banks go out and find energy efficiency projects of half a million to one million they won't really do it.

It is as simple as that. The market as it currently stands will not allow Australia to move into a low-carbon world.

The CEFC board comprises individuals who understand how markets work and how to commercialise new technologies. It is made up of former investment bankers and energy executives. They know business. They are market based people at the top end of the game. Yet we are set to ignore their expertise, intellect and drive at the expense of commercialising renewable and clean energy growth.

Perhaps senior coalition figures have not yet been properly briefed on this subject—apparently, they are still busy trying to fill ministers' offices with staff. I am told that people are reluctant to serve under this government without a boost in pay, and I certainly cannot blame them. But, if they had conducted their research, they would know that the CEFC is fundamentally about building commercial expertise.

It is honestly heartbreaking that they cannot see that. Instead of focusing on renewable energy projects that could transform the nation's economy, the environment minister has labelled the corporation a fund 'borrowed in taxpayers' name for investing in speculative ventures'. How pathetic. These are not speculative ventures; renewable energy is the future. If you really are a party that is open for business, you should be embracing opportunities to take advantage of these new technologies. If you cannot see that, you should not be in power; it is as simple as that.

Of course the abolition of this body is part of something broader. It is about the Abbott government's reluctance to embrace renewable energy and cleaner technologies and act on climate change. I am here to tell you that such an approach will prove disastrous for Australia and it may well prove particularly disastrous for my home state of Tasmania. That is why it is so disappointing to have senators like Senator Bushby, who is in the chamber, neglecting future opportunities for Tasmania.
During the federal election campaign it was clear that the chief concerns for many Tasmanians were jobs and growth. The challenge lies in identifying precisely where Tasmania can exploit competitive advantages and in the process find new, innovative ways of boosting the economy. One such area where Tasmania and other areas of Australia with relatively high unemployment can get ahead and achieve positive change is the renewable energy sector. This is of course an important component of the modern economy—

Senator Bushby interjecting—

Senator POLLEY: something that Senator Bushby over there does not understand—that is no doubt bracing for the worst now that the Abbott government is in power and repealing climate change bills left, right and centre. Once again, it is all about negativity.

Unfortunately, as I have indicated, the Prime Minister and his party do not understand that encouraging developments in renewable energy has the capacity to transform the Australian economy and lower total carbon emissions. A typical example of this parochial mindset has been observed in recent months with the new member for Bass claiming that abolishing the price on carbon will 'boost growth, increase jobs'. This is a statement that deserves careful scrutiny. It also is blatantly obvious to everyone that the new member for Bass does not understand new technologies. He does not understand climate change.

We need to remember what placing a price on carbon was designed to achieve: a transition from a reliance on carbon emissions to greater utilisation of cleaner technologies. Without carbon pricing, many experts fear—these are experts—that there will not be the same investment in renewable energies, and projects will not reach their full potential.

As I noted in the Senate chamber earlier this year, in recent times the policies delivered by Labor have ensured that the renewable energy industry has gone from strength to strength. To take one example, wind capacity in Australia rose from just over 1,100 megawatts to over 3,000 megawatts during Labor's time in power. In fact last year wind farms in this country produced enough electricity to power over one million homes, a target that seemed impossible not that long ago.

Tasmania was the recipient of several grants under the Clean Technology Investment Program and the Clean Technology Innovation Program, which allowed numerous local outfits in northern Tasmania and indeed across the state to upgrade equipment and reduce emissions intensity.

As I also noted, there is much planned for the future of Tasmania's renewable energy sector as well, including a 200-turbine wind farm development on King Island. It will not surprise many Tasmanians to learn that the state has a distinct advantage when it comes to wind power development. We are of course placed squarely within the roaring forties, which means that we receive some of the most reliable winds anywhere on the planet. According to Hydro Tasmania, the project on King Island will bring hundreds of millions of dollars into the local community as well as infrastructure upgrades and new jobs—and we need those jobs in Tasmania. But right now companies across Australia are expressing alarm at the Abbott government's lack of commitment to national renewable energy growth goals.

Andrew Thomson, the chief of an energy company which is a recognised leader on the Dow Jones Sustainability Index, is particularly concerned. Earlier this year he said that vital investments in renewable energy targets were dependent on the coalition affirming its
commitment to the bipartisan Renewable Energy Target. He also said that power purchase contracts are being delayed due to the uncertainty of the coalition's approach. This is not what we want. The government, which previously committed to the target of sourcing a fifth of Australia's power from renewable energy by 2020, plans to review the RET in 2014. Given the coalition's indifference to the aim of reducing our carbon footprint via renewable energy and its outright hostility to pricing carbon, it is apparent that Mr Thomson's concerns are entirely justified. Now is the time for us to really embrace the renewable energy sector and make sure that the Abbott government does not hinder progress.

If approached intelligently, renewable energy will allow us to take advantage of new innovations in the coming decades that promise to revolutionise how energy is produced. It is not good enough to stick our heads in the sand—and we know that that is what they do best on that side. If we don't jump on board and do everything possible to encourage renewable energies then the accompanying jobs and growth opportunities will flow elsewhere overseas. Renewable energy represents a potential goldmine, but only if we work to make it happen. Proactively fostering developments in the renewable energy sector, including the work of the CEFC, is about long-term vision. I know I should not use 'the Abbott government' and 'vision' in the same sentence, but this really is about long-term vision. It is about considering what sort of planet we want to leave behind us. In particular, it is about new jobs that can be created in rural and regional areas, like my home state of Tasmania. These opportunities have the potential to enhance our economic prospects for generations to come.

At times the response from sections of the media and the Australian public to announcements on climate change policy and renewable energy in this country has been closed-minded and short-sighted. I certainly hope that the coalition does not continue to exploit outdated views to suit their own political objectives.

I would also like to add that numerous commentators over the past few weeks have revisited the events that led to the Prime Minister opposing an emissions trading scheme for Australia, and it makes for grim reading. Everyone seems to have conveniently forgotten that in 2007 then Prime Minister John Howard had undergone a personal transformation on the matter of climate change and was preparing an emissions trading policy to take to that year's federal election. We also know that key Liberal figures on the shadow front bench, including the current Prime Minister, supported this policy—that is, they supported John Howard's policy that would of course have tremendously benefited renewable energies and cleaner technologies. So what changed?

I think we all know the answer: the Prime Minister figured out that he could tap into suspicions that persisted in the electorate and exploit them to his own advantage. He defeated the member for Wentworth but sacrificed any sort of real stand on climate change. In contrast, I would remind those opposite of the stance taken by the United Kingdom's Prime Minister, David Cameron—an actual Tory—on climate change following the typhoon that wreaked havoc in the Philippines. He said:

I'm not a scientist but it's always seemed to me one of the strongest arguments about climate change is, even if you're only 90 per cent certain or 80 per cent certain or 70 per cent certain, if I said to you, there's a 60 per cent chance your house might burn down, do you want to take out some insurance? You take out some insurance. I think we should think about climate change like that.
If only this view were shared by the coalition in Australia. Let's hope that the next 100 years sees even greater investment in renewable energy. We have an awful lot to gain from such a commitment.

It is nothing short of disgraceful that the government does not see a place for the Clean Energy Finance Corporation. It is a key component in positioning Australia for a low-carbon world. But really, it says all you need to know about the coalition's priorities on climate change and renewable energy in this country. Shame on Greg Hunt. Shame on Joe Hockey. Shame on Mathias Cormann. And shame on Tony Abbott for neglecting our younger generations, and our future generations.

Senator XENOPHON (South Australia) (11:48): I would like to indicate my opposition to the Clean Energy Finance Corporation (Abolition) Bill. At the outset, I want to make it clear that I support government-led action on climate change. I believe climate change is a very real threat, and we need to take action that provides real results in terms of both environmental benefits and economic stability.

I agree that the carbon tax has created a poor economic outcome without any reasonable environmental return for the economic impact involved. I also think it is very important to note that back in 2010 the then Gillard government had a reverse mandate to introduce the carbon tax. In other words, it promised the people of Australia that there would not be a carbon tax and one was introduced despite that, and I think it is very important to put that reverse mandate, if you like, in context.

I did not support the former government's legislation to introduce these measures for these reasons, but not because I do not believe we need to take action on climate change. For me, the debate on these issues is about finding the most cost-effective way to abate greenhouse gases. As such, I will be supporting the government's move to repeal the carbon tax. However, I believe it is vital that the government release draft legislation or detailed policy as soon as possible, both to demonstrate their commitment to this issue and to provide certainty for businesses and investors. I strongly encourage the government to do so. But I do not support this particular bill, and I welcome the opportunity to debate it in further detail, separate from the rest of the package of bills.

The aim of the Clean Energy Finance Corporation is to promote fiscally responsible investment in the clean energy sector. During the inquiry by the Senate Environment and Communications Legislation Committee into these bills, we heard compelling evidence from the CEFC, and in particular from its chair, Jill Broadbent. The CEFC stated that, to date, the investment of $500 million of its fund had resulted in $2.2 billion worth of projects getting off the ground. The flow-on effects, including the creation of much-needed manufacturing and construction jobs, will have an additional financial benefit.

Ms Broadbent further explained that, if the CEFC's full $10 billion funds were to be invested in line with its current strategy, the resulting emissions abatement would be more than 50 per cent of the 2020 bipartisan target. There would also be a $200 million return per annum to Australian taxpayers after the administration costs were subtracted. So it seems on the basis of that evidence from Ms Broadbent, the chair of the Clean Energy Finance Corporation, that this corporation is already making a return to taxpayers through investment.
It is also important to note that the CEFC's mandate goes beyond renewable energy. They are also investing in measures to improve the efficiency and reduce emissions from traditional energy sources, and to improve the transition to cleaner forms of energy—in a sense, that low-hanging fruit. Much more can be done in terms of energy efficiency.

I acknowledge there are concerns about the cost of the CEFC—in particular, the $10 billion investment fund. I understand where the finance minister, Senator Cormann, is coming from on this, given that that is money that the government has borrowed. But, on the basis of the evidence I have seen to date, it appears to be a case where there is a reasonable and prudent return on investment, and that these projects are subject to sufficient scrutiny.

I also acknowledge the argument from some independent economists that you would not need this fund because you can get the finance from capital markets anyway. Where I take issue with that line of argument is that sometimes it is appropriate, particularly for emerging technologies and different types of capital raising, to have some government support. Many years ago we had the Commonwealth Development Bank that provided much-needed finance to the rural sector. Tomorrow I will be introducing a bill into this place to basically provide a mechanism for rural finance, following work that I have done on this with the member for Kennedy, the Hon. Bob Katter, and I know that my colleague Senator Madigan in this place is particularly concerned about access to rural finance and failures of market mechanisms. When I was in Victoria a number of weeks ago in the town of Beaufort—thank you, Senator Madigan—it was very interesting to hear from a number of farmers who were distressed as a result of not being able to access finance, despite the fact that they had good businesses. Because of the nature of the businesses, the ebbs and flows, the lack of consistent returns in the short term, traditional finance mechanisms do not work.

I think the same sort of thing can be said in the context of the Clean Energy Finance Corporation—there are some parallels there. Ms Broadbent pointed out that the organisation has not yet reached critical mass. Abolishing the CFC now will throw out any future benefits to the budget, in essence maximising the cost without any of the returns on investment. I think we need to be cautious. This is not the time to abolish the CEFC, given that it is early days and given the potential it has shown to date. Ms Broadbent stated to the Senate committee inquiry:

... our objective is to try to build the financial market participation, and when you are building something and you stop building it, it usually does not go on building in its own right. If you kept going for a while, we would like to think that those who have co-financed and participated with us would keep going. But I do not think they will keep going at the same pace without having an advocate or a catalyst there.

So it is a question of having a suitable catalyst in this marketplace. Ms Broadbent went on to explain how the CEFC has become a key tool in encouraging investment that would not normally occur, because of the relationships it has built with finance organisations. She said:

I have been very surprised at the capacity to be effective, to get banks around the table, and I think it is because all of the people, from the board to the executive and the employees, are commercially trained people who are used to dealing with bankers, and perhaps we have a capacity to persuade them to come to the table and to be there, and I think they have a respect for our motives. The industry participants seem to trust us to be a trusted banker who will work with them to bring banks to them rather than going to their bank who wants to finance something that is a little bit small for them to get a focus.
I think those words of Ms Broadbent, the Chair of the CEFC, are very pertinent in the context of its potential benefits.

I also want to raise a particularly important issue in this context. I was shocked to discover during the committee inquiry that Treasury has not undertaken any modelling to determine whether it is more effective to spend money to reduce high-emissions activity or to spend money to increase cleaner generation activity. I do not want to upset Senator Cameron, whom I have enormous regard for, but I want to mention here the work on this of Frontier Economics with Danny Price. Ask any credible economist about this. You need to look at where you spend the money. And if you spend the money on cleaner generation activity, that has a different price effect in the marketplace that is of benefit to consumers and of benefit to the environment. I find it extraordinary that Treasury to date has not done that modelling. I think it is very important, for Senator Cormann in his role as finance minister and for the Treasurer, to get Treasury to do that modelling because it has huge implications in terms of the potential benefits to consumers and to the environment. So there is a huge gap in key information. How can the government construct an effective policy or model when its own department has no idea how it actually works?

Abolishing the CEFC, when we know it works and when we have no modelling to suggest any other form of investment would be more effective, I believe is the wrong thing to do. If there is a better, more effective way then we should do that—but, to date, there does not seem to be. I strongly believe the government should allow the CEFC to continue. If further research or modelling in the future provides us with a better alternative then we can return to this debate. But there is no reason to abolish an organisation that is actually achieving both economic outcomes and emissions reductions when, at this stage, the assumption that there is a better way is only that—an assumption. And, Mr Acting Deputy President Furner, we all know what people say about the word 'assume' and what it can make of you and me.

**Senator CAMERON** (New South Wales) (11:57): Could I assure Senator Xenophon that I will not be upset by the mention of Frontier Economics. At least Senator Xenophon and Frontier Economics understand the importance of dealing with the issue of climate change. There may be different arguments about how it is done, but I have to say I do not think Frontier Economics's approach to this is anywhere near as stupid as the approach that is being proposed by the coalition in the so-called direct action policy approach. So I think the debate is fine, Senator Xenophon. I think the issues are clear. It is clear in my mind that the science says you have to do something about climate change, and the Clean Energy Finance Corporation is one aspect of dealing with climate change. I have come to the conclusion that you cannot deal with these issues, either on the floor of the Senate or publicly, without actually going to the question of why we are dealing with an organisation such as the Clean Energy Finance Corporation—why do we want it there? If I have not made it clear already, I oppose this bill, the Clean Energy Finance Corporation (Abolition) Bill 2013.

The Clean Energy Finance Corporation is part of a suite of actions that the former government took to try and deal with climate change. There are things that you can do, as Senator Xenophon said, about reducing emissions. The International Energy Agency have made it clear that 15 per cent of all emissions reductions around the world has to come through the process of carbon capture and storage. I know that upsets other people in this place, but environmental groups around the world have said that the coal is there, it will be
burned and we need to look at doing it more efficiently than it is being done at the moment. Carbon capture and storage is one of the technical, scientific approaches to reducing carbon pollution in the atmosphere.

Why do we want to reduce carbon pollution in the atmosphere? Why do we need a Clean Energy Finance Corporation? It is simple. The Academy of Science in Australia, the IPCC internationally and the CSIRO, our pre-eminent scientific body, say that you have to deal with these issues, that anthropocentric—that is, man-made—pollution is real and that CO₂ is a pollutant of the atmosphere, which causes problems because of the physics of putting it into the atmosphere. The CSIRO, who are not some rabid tree-hugging lunatics, are saying this is the situation. They are saying climate change is one of the greatest ecological, economic and social challenges facing us today. This is a recent report from the CSIRO. They say that you cannot simply look at the weather. Weather is different from climate. Weather is brief. It comes and it goes. It is a rapidly changing condition. It is a condition of the atmosphere at a given place and time and it is influenced by the movement of air masses. When you hear people in here say things like, 'We had a massive storm and the dams were filled up recently,' they are talking about an aspect of the weather. The weather can do these things. But the climate is a completely different thing. It is the longer term issue. It is the term applied to the average weather conditions over longer periods, of years or decades. We need organisations like the Clean Energy Finance Corporation because there are climate changes taking place as a result of the CO₂ in the atmosphere. That is unquestionable.

You will hear coalition senators in here say, 'I believe in the science but,' and the 'but' always goes back to: 'We will deal with it through direct action. We will plant trees. We will pay the polluters to reduce pollution.' All of these approaches have been dismissed by anyone who has got any environmental or economic understanding of the issues. The current Minister for Communications, Malcolm Turnbull, when he was critiquing direct action, indicated clearly that the best thing about direct action was that you could get rid of it quickly. He was not a fan of direct action and he is still not a fan of direct action.

Why are we looking at taking practical steps to deal with the issue of climate change through organisations like the Clean Energy Finance Corporation and putting a price on carbon? Why do the Labor Party support that? We support it because we believe the scientists fundamentally. We support it because we believe the scientists have said, 'You need to do something about it.' And the economists have said that the fundamental way to deal with it is to price carbon. When you put a price on carbon, the polluters will stop polluting. So you put a price on carbon, you do practical things and you adapt to where we are heading. But the impacts are quite unequivocal, according to the CSIRO. They say the impacts of climate change are already clearly visible, and they say further impacts are predicted to occur and will be experienced across all sectors of the economy and in all ecosystems.

Let us ponder that for a minute. I live in the Blue Mountains. My community in the Blue Mountains has been ravaged by bushfires. People say that this is a condition that has always applied in the Blue Mountains, but what we are being told by the scientists who are looking at what is happening, by the CSIRO, is that the fires are going to become stronger, that they are going to be affected by climate change. I understand you cannot simply say that the bushfires in the Blue Mountains were caused by climate change—no individual issue can be targeted back to climate change—but you can certainly say that climate change makes the condition
worse when it happens. That is what the scientists say. So the bushfires are going to be even stronger, the cyclones will be stronger and the effects on our community will be more severe.

The CSIRO say that the reliability of southern and eastern Australia's water supply is expected to decline as a result of reduced rainfall and increased evaporation. They are saying that, over the long term, that is what is going to happen. They are saying development and population growth in Australia's coastal regions will exacerbate the risks from sea level rise and increase the likely severity and frequency of coastal flooding. It is not me that is saying that; it is the most eminent scientists in Australia. They are saying that there will be significant loss of unique Australian animal and plant species and that that will occur in sites such as the Great Barrier Reef, the Queensland wet tropics, the Kakadu wetlands, south-west Australia, the eastern alpine areas and Australia's subantarctic islands, disrupting ecosystem function and causing the loss of ecosystem services.

I was fortunate when I was the chair of the Environment and Communications Committee to go to the Antarctic and talk to the scientists there. When you go there they can show you graphs of CO₂ in the ice cores in the Antarctic that match exactly the Industrial Revolution and the ongoing industrial changes in our economy over many years. They can show you the CO₂ increasing dramatically as industrialisation takes place. I am not arguing that you stop industrialisation, but we have to mitigate, we have to take the appropriate steps to price carbon and make sure that the polluters pay, not the ordinary residents of this country.

The CSIRO go on to say:

The risks to infrastructure include the failure of urban drainage and sewerage systems, more blackouts, transport disruption, and greater building damage. Higher temperatures, altered groundwater and soil conditions, sea-level rise and changed rainfall regimes may also lead to accelerated degradation of materials.

Heatwaves, storms and floods are likely to have a direct impact on the health of Australians, such as causing an increase in heat-related deaths. Biological processes such as infectious diseases and physical processes such as air pollution may affect health indirectly; for example, by increasing exposure to dengue fever.

Moderate warming in the absence of rainfall declines can be beneficial to some agricultural crops, and higher levels of carbon dioxide can stimulate plant growth.

I have heard others say, 'Look, it is actually a good thing that this is happening.' The CSIRO go on and say:

However, these positive effects can be offset by changes in temperature, rainfall, pests, and the availability of nutrients. Production from cropping and livestock is projected to decline over much of southern Australia, as is the quality of grain, grape, vegetable, fruit and other crops.

For the life of me I cannot understand why the National Party, who profess to represent farming communities in this country, would not treat this seriously. Instead of talking about $100 for a lamb roast, they should actually treat this seriously. The people the National Party profess to represent are going to be some of the worst affected by climate change. That is why organisations like the Clean Energy Finance Corporation, as part of the broader suite of measures to deal with climate change, are absolutely important.

The CEFC is one of 14 organisations around the world that act as a catalyst for investment in renewable energy and clean technologies. It plays an important role in mobilising capital for investment. If it was not needed, if the entrepreneurs would just come in and actually
invest, you would not need the CEFC. But that is not what is happening. These are threshold technologies, new technologies. Many businesses will not invest in these technologies and these processes until they know they can make a return that satisfies their shareholders. So in the meantime if we do not get investment we do not get the progress. It is not unusual for governments to invest in businesses and invest in processes that assist and help the community, assist and help the nation, and in the case of the CEFC part of their process is assisting the processes that are being done around the world, and that is to mitigate CO₂ pollution in business. It is an important part of the toolbox, if you like, the tool kit to try and deal with carbon pollution in our atmosphere. You only have to see what the CEFC has actually been able to do.

We had Senator Abetz stand up here yesterday in his contribution and talk about this being some kind of slush fund, some kind of bank that was going to go bad. It is obvious that many of the coalition members do not read the reports, they do not know what is going on. They are blinded by ideology. They will come in here and say, ‘Yes, the weather is changing, yes, the climate is changing—but I'm not sure if it is man-made change.’ This is the case even when the scientists come and tell you. The other thing I cannot understand is that National Party supporters, the farmers out there, rely on the CSIRO to give them advice on a whole range of areas of scientific and technological advancement. They pick up the advances of the CSIRO. They accept the science of the CSIRO in many areas, but they will not accept the science on climate change. They run the arguments about $100 lamb roasts, the nonsense we have heard over the years in this place to try and muddy the scientific reality, to try and score short-term political points at the expense of future generations. That is the problem we have. The CEFC is absolutely important in doing this. I would have thought, given the success of the CEFC, that any government coming in that has an organisation that is reducing carbon pollution at a net negative of two dollars odds to the government, the government should support it. This is an organisation that has funded projects involving over 500 megawatts of clean electricity generation.

I have said here many times that I am a former power station worker. I worked in the Electricity Commission of New South Wales as a maintenance fitter at the Liddell Power Station. They have four 500-megawatt power plants that I used to maintain. If you saw the amount of coal that goes in to produce 500 megawatts of energy, you would know how much this 500 megawatts takes away from that coal usage, which is a good thing in terms of having alternative processes.

If the CEFC is abolished, there is no provision for a transition to another scheme or program. Direct action will not deliver. You are not going to have a situation where you can plant out the number of trees needed for in-soil carbon to give you a net reduction in CO₂. The estimates that the CSIRO are talking about say that you would need to plant out an area twice the size of Victoria as part of the direct action approach. It is an absolute nonsense; it is an absolute joke. I think the fear campaign that has been run by the coalition on these parts of the tool kit to deal with CO₂ pollution is ridiculous.

This country and the world will pay a price for politicians like the politicians we have in this country—politicians who simply bow down to and buckle under to the people who are paying for their election. The freight, mining and oil companies are pushing money into the coffers of the Liberal and National Parties, who are now here doing their bidding to destroy
an effective response to climate change and destroy excellent programs like the CEFC. We should call them out when they are acting against the national interest. We should call them out when they are acting against the interests of future generations. We should call them out when they are simply refusing to recognise the reality of science and the reality of climate change. The CEFC is an important part of progress towards this country moving to a cleaner energy future, jobs of the future and taking a long-term approach. In my view, the coalition do not like it because it does not fit with their ideology.

Senator MILNE (Tasmania—Leader of the Australian Greens) (12:17): I rise today to support the Clean Energy Finance Corporation and to speak against its abolition. The Clean Energy Finance Corporation is one of the institutions that came out of the multi-party climate committee negotiations on how to address global warming.

We are living in a period of climate emergency. Every day, virtually, there are new scientific reports showing that the world is on track for four degrees or more of warming, and that is an unliveable planet. That is the fact of the matter. Today, there is a new report out from the Australian National University saying that even trying to constrain global warming to less than two degrees is not enough, that two degrees is not safe and that we need to constrain it to less than that. This means going back to a 350 parts per million scenario.

The point here is that we have run out of time as a planet to address this issue, and we have to get on with it. The emission reduction cuts that we make have to be deep and they have to be fast. We knew that as we were negotiating in the multi-party climate committee for a clean energy package. The Australian Greens wanted to see Treasury model a 350 parts per million scenario, which would have given a carbon price that is much higher than the one that we really have. In fact, the two Treasury models were for 450 and 550 parts per million. The $23, $24 and $25 price, that has been the fixed price, is the 550 parts per million scenario. If it had been adopted at the 450 parts per million scenario, the price would have been more than $50.

The whole point here is that when you adopt an emissions target it has to be consistent with the science and the time frames. It has to be able to drive the transformation in the Australian economy to the low-carbon economy. In other words, drive hard and fast out of fossil fuel power into renewable energy power. That is the critical factor. You have to decouple economic growth from the use of fossil fuels and decouple economic growth from non-renewable resource extraction and environmental degradation. That is the key challenge in the transformation.

When the government and the multi-party climate committee, as a majority, determined that it would be the 550 scenario that would reflect the price, the Greens said, 'In that case, we need a substantial financial institution that will be able to assist in the funding of renewable energy at scale and fast enough, because that price will not drive the transformation in the time frame we have; therefore, we need, in addition to the Renewable Energy Target, an institution able to fill that role.' That is where the $10 billion going into the Clean Energy Finance Corporation came from. It was to set up the equivalent of what the United Kingdom had done with their green bank, as it was then known—now, the UK Green Investment Bank. That was the first of its kind in the world, and that was the model that the Australian Greens took into the multi-party climate committee to say that that is what we need to do in Australia.

Of course, since the establishment of the UK Green Investment Bank and the Australian Clean Energy Finance Corporation, we have 12 other countries that have adopted similar
bodies to attract private sector capital to projects that drive down greenhouse gas emissions. The point here is: if we abolish the Clean Energy Finance Corporation then we are going to see substantial sums of money flow offshore. In fact, Nathan Fabian of the Investor Group on Climate Change said in the hearings we had just recently that half a trillion dollars' worth of investment in low emissions projects are at risk with the scrapping of the Clean Energy Finance Corporation. He went on to say that money and investment in skills will either sit on the sidelines or go to other markets.

The Clean Energy Finance Corporation which has been set up is working brilliantly in this space. It has been far more successful than I had even hoped it would be—it is one of those real success stories in Australian politics where the parliament has set up an institution which is doing its job. It is leveraging private-sector finance, with the government as a co-financier through the Clean Energy Finance Corporation, and it is investing in technology which is renewable, energy efficient, clean and creating jobs. Not only is it doing that specifically but, as a co-financier, it is giving confidence to finance markets to lend in this space. That would not be happening otherwise.

Let me give you some figures. In its first year, the Clean Energy Finance Corporation leveraged $1.55 billion in private finance from $536 million of its own investments. That is a pretty impressive sum. Within its first year of operation, it generated investments responsible for 3.9 million tonnes of CO\textsubscript{2} equivalent abatement annually and that was generated at a negative cost of approximately $2.40 per tonne—pretty impressive. It has 179 proposals for projects in the pipeline and those 179 proposals have an estimated value of $14.9 billion of investment in clean technology. These are all good news stories: good for jobs, good for investment—particularly in rural and regional Australia—and great for addressing the climate challenge. Its investments are a diverse mix across the economy and across the country in agribusiness, property, manufacturing, utilities and local government. Its portfolio of contracted investment is presently expected to earn an average return of approximately seven per cent, around four per cent above the Clean Energy Finance Corporation's benchmark return of the government five-year bond rate. These returns cover the operating costs of the CEFC.

So I am really stretched to understand why the government is so intent on removing and closing the Clean Energy Finance Corporation when it will not save the government any money to close them down. It will actually come at a budgetary cost and end a vital public policy tool that provides long-term benefits across the economy. That is why the only conclusion I can reach is that it is being done out of pure ideological spite. There can be no other explanation for it. I have not heard a single specific argument raised as to anything that the CEFC are not complying with, in terms of their investment mandate, and I have heard only complimentary things said about them both in the public arena and financial circles. You would be hard-pressed to find anyone who is not going to acknowledge that Jillian Broadbent as chair of the board and Oliver Yates as CEO have done a great job with the Clean Energy Finance Corporation. What is more, we are hearing financial institutions say that they will be really worried if this institution disappears, because of its convening and co-financing power. It can bring together the players in the financial sector that nobody else can or will, and by doing that it is building confidence and its profile.
I want to go through the sorts of investments the CEFC has been involved in. If you have a look at the breakdown, it has done over $2 billion for utility-scale renewable energy generation, $2 billion for energy efficiency in the building, manufacturing and commercial sector, $700 million for solar PV projects and $268 million for the mining sector. While not all of these projects will move to completion with the funding, the number of projects that have approached the CEFC for co-financing is indicative of the strength and breadth of demand. In terms of economic impact on the energy sector, it is critical that we make the transition out of fossil fuel energy and into renewables. The Clean Energy Finance Corporation is facilitating Australia making that change. Its unique financing role and ability to take a long-term risk position, providing depth and diversity in the financing of infrastructure, is really assisting.

The other reason I simply cannot understand why the coalition would want to get rid of the Clean Energy Finance Corporation is that it is successfully reducing emissions. There is no-one who can point to how direct action is going to reduce emissions. Yet, if we kept the Clean Energy Finance Corporation and let it keep on doing its work, it would do the heavy lifting for the coalition in the direct action space—it is already bringing emissions down. I would like to go into some detail on that.

The Clean Energy Finance Corporation undertook some analysis of what its continued activity could contribute to the achievement of the 2020 abatement target under direct action. Based on its existing portfolio mix, if it invested $10 billion over the next four or five years in a mix of projects like that of its current portfolio, it could achieve 64 megatonnes of CO₂ emissions reductions in the year 2020, which represents about half of the total required to meet the 2020 abatement target.

In reality, as the CEFC says in its report, we could expect to see some levelling off, but, even by being conservative and applying a heavy discount for this assumption, the contribution that the CEFC could make is still substantial, and this abatement could be achieved at a positive return to the taxpayer—that is, lowest cost of emissions reductions. How could you go past that? How could you go past an institution which, at no cost to the taxpayer, can reduce emissions to that extent?

I will go through some of the criticisms that have been made. The government has said, 'Oh, well, the Clean Energy Finance Corporation is crowding out the market.' That is totally wrong. What we have seen with the CEFC is that, rather than crowding out the market, we would suggest that it is actually crowding in market finance—not the other way around. Almost every investment that the corporation has made has included co-financiers, and they include many of Australia's major financial and commercial entities. In fact, the CEO of Sundrop Farms, one of the companies that had a project funded, said:

I want to thank you personally and the CEFC team more broadly for making this deal real. Your pivotal role has been the difference. The equity community has been highly impressed and in fact has been mobilised by CEFC's involvement as a debt provider. We would not be here without you and our commitment to the CEFC is absolute.

Sundrop Farms is a South Australian rural project outside Port Augusta. So we have jobs, economic activity, rural Australia and the CEO saying: 'I want to thank you because the CEFC has been the difference. It has allowed that debt to be provided.'
In terms of risk, lots of claims have been made that this is a risk and that they are lending money in a risky way. But, in fact, they cannot do that—it would be against their investment mandate—nor is it what they are doing. That is demonstrable by the work that they have done to date. In terms of their being a 'green hedge fund', that is another accusation that is completely wrong. It is not borne out by the facts. They are not a hedge fund in any way, shape or form. The $536 million invested has zero dollars in hedging, zero dollars in derivatives and zero dollars invested in guarantees. They are not a green hedge fund, and the government should not continue to completely misrepresent what they are doing.

In terms of the CEFC giving too much concessionality in the loans they are making and not having a commercial focus, that is wrong again. They have motivators to offer concessionality, but they differ from the private sector because they are a public-purpose institution. They can offer a discount to achieve good public externality, such as technology expansion and development, research and then take-up, demonstration effect, financial leverage, expansion of investor base, market capacity, sector skills and emissions reduction. They have built the consideration of positive externalities into the investment process through their investment policies. The leadership role that they have played has been exemplary. As the CEFC say, 'Concessionality may be warranted when the cost of the benefit the recipient receives is exceeded by the benefit of the positive externalities that are created.' They are doing an amazing job in that regard.

As to the claim by the government that the CEFC do not generate any renewable energy, that is quite wrong. They are supporting renewable energy around the country. For example, they have co-financed a solar PV installation by the Australian Agricultural Company across a number of its regional and remote facilities. Obviously, that highlights the potential for business across the country to reduce costs and increase competitiveness through greater use of solar PV and other renewable energy sources.

When you sum up the Clean Energy Finance Corporation, it is bringing down Australia’s emissions, it is investing in renewable energy and energy efficiency, it is creating jobs and it is building a whole lot of new capacity in the financial markets to address the climate challenge. On that basis, it would be so wrong for the government to tear that down. It would be wrong in the context of the climate challenge, and I will come back to that.

If you accept the science and you know the world is on track for four degrees, you know that Australia has to do a lot more and faster. Two-thirds of the fossil fuel resources—that is, coal and gas—have to stay in the ground, not be extracted; not coal ports, not coalmines, not coal seam gas: no.

Renewable energy and energy efficiency are where we need to go, and fast. That means we need these institutions to get these projects up and running in a very short time. They have demonstrated that is exactly what they can do. To tear this down is part of what I think will be a crime against humanity. Wilful blindness to the science of climate change and the impacts that is already having and will have on future generations is nothing other than a crime against humanity.

I went to a breakfast this morning at the CSIRO discussing extreme weather events and their cost. If you look at the extreme costs of extreme weather events, by removing the price on carbon you are saying to the big polluters, ‘You can pollute all you like and you can maximise the profits to your shareholders, but you are going to socialise the cost to the whole...
community.' It is the Commonwealth's budget that will have to stump up because the overwhelming losses from these extreme weather events are not insured for. It is the Commonwealth that has to stump up with the flood levy, and it will be the Commonwealth that has to stump up every single time there is an extreme weather event, because they are costing us billions.

That is why, when you have an institution—which is not costing the government money—bringing down emissions, rolling out projects and jobs and economic activity and at the same time addressing the issue of climate change, it is immoral to get rid of it. That is why the Greens will never agree to it. It is one of the very bright lights in addressing climate change in Australia. Apart from the actual projects, the contribution it is making to the climate literacy of financial institutions and the way it is developing confidence in those institutions through its convening and co-financing role are something that is irreplaceable. That is why the Greens will never agree to the abolition of the Clean Energy Finance Corporation.

Senator IAN MACDONALD (Queensland) (12:37): I was sort of following Senator Milne until she got onto an argument she has made before. She did not put it in these words, but as I understand it she indicated that, because we are getting rid of the Clean Energy Finance Corporation, we are going to have more cyclones and floods, and that is going to cost Australia more money. It is typical of the stupid arguments that we have had in this debate from day one.

I am entering this debate today. There will not be a lot of government speakers. Why? It is because we want to get this voted on before Christmas, as we promised the electorate we would do. I am not going to have an opportunity to speak on all of the other bills as they come forward. As all of the other speakers before me have done, I will speak generally on all of the bills—the Clean Energy Finance Corporation (Abolition) Bill 2013 and the related bills. Even though the Labor Party and the Greens moved to separate them, they then continued to speak on all of them. I will do the same.

I would like to ask Senator Milne before she goes why it is that Australia needs to do more to save the world. Senator Milne, is it not true that Australia emits less than 1.4 per cent of the world's emissions of carbon? Tell me, someone: is that not true?

Senator Thorp interjecting—

Senator IAN MACDONALD: I hear 'per capita'. Australia needs to do more, we were told. We emit less than 1.4 per cent of the world's emissions of carbon. Labor's proposal, supported by the Greens and indeed supported by the coalition, was to reduce our emissions by five per cent. Five per cent of 1.4 per cent—you do the arithmetic. Australia is doing something, and it is proposed by the current government to be doing something. We will reduce our emissions, but we will do it by direct action. We will not do it with the imposition of the world's greatest carbon tax. We will not be leading the world when the world has to do something if it is as concerned as Senator Milne tells us it is.

This debate today, and this whole debate around this package of bills, is about keeping a commitment made to the Australian public prior to an election. That is what we are very keen and determined to do. We are unlike the Labor Party, who before the 2010 election promised us they would not be introducing a carbon tax. Then, immediately following the election, they broke their promise to the Australian public. We do not intend to do that. We intend to meet
the commitments we made, which the Australian people supported. This is what the
Australian people wanted and, under the Abbott government, this is what they will get.

Quite frankly, I get sick of hearing Labor speakers get up time and time again and tell us
how good the carbon tax is and how good the whole package of bills is. I say to them: if it is
so good, why did you promise not to introduce it before the 2010 election? Before the 2013
election, why did you try to mislead Australian voters by sending around pamphlets that said,
'We have got rid of the carbon tax; we've actually got rid of it'? You cannot say that the Labor
Party has not been warned on how bad this tax will be. Coincidentally, I was just looking
through the drawer of my desk here and I found this old report of the Senate Select
Committee on Scrutiny of New Taxes from October 2011. I see that Senator Cameron, who
made a very impassioned speech just recently, was the deputy chairman of that committee.
The name of the report by that Senate committee says it all: The carbon tax: economic pain
for no environmental gain. If you go through the report—and it is a very good, very detailed
report—you will see that that Senate committee warned the then government that the tax
would cost Australia at least $1 trillion, or at least $40,000 for every Australian.

That is why we want to get rid of it. We want to do our part in reducing the electricity bills
for average Australians, for ordinary Australians. They agreed with us. That is why they voted
for us in spades at the last election. That is why they are desperately waiting for this
parliament to do what we promised to do to reduce their electricity bills and remove the
carbon tax.

I see there is a long, long list of Labor speakers, because they are going to filibuster this
debate through until 1 July, they would hope, and with the support of the Greens they will
probably be able to do it. But I ask the Labor speakers, any one of them, to tell me these
things. If the carbon tax is so good, why did you promise before the 2010 election not to bring
it in? Is it true that Australia is emitting less than 1.4 per cent of the world's emissions of
carbon? How is the Labor Party's proposal to reduce those emissions by five per cent going to
save all of the ills that Senator Milne is predicting are going to confront the globe?

I am one of those who accept that the climate is changing. As I have often said in this
place, once upon a time the centre of Australia was a rainforest. I understand that once upon a
time the globe was covered in ice. Of course the climate changes. It always has done. But, in
spite of Senator Milne's scepticism and accusation against anyone who does not agree with
her, there are equally as many reputable scientists who challenge, or who doubt, that it is
man's involvement that has caused the climate change in recent times. You will notice that the
Greens used to call it global warming. Now, it is climate change.

Debate interrupted.

MATTERS OF PUBLIC INTEREST

Foreign Investment

Senator HEFFERNAN (New South Wales) (12:45): Today I rise to talk about something
that the press has been full of in recent times—that is, the proposed takeover of GrainCorp by
ADM. I have been very disappointed in most of the commentary both in the financial press
and in this place. It has been about the politics of the issue; very little of the detail has been
dealt with. It is quite a serious matter for Australia's wheat growers. There are people on both
sides of the argument. At the start, I would like to congratulate Alison Watkins on her move
from GrainCorp to Coca-Cola. In the Senate committee hearings I asked her whether she was concerned about the reputation of ADM. She did say that she was not concerned about the reputation of ADM; she was concerned about the best deal she could get for the shareholders. On ADM—and I said this then—it beggars belief why the US state department would put out a press release somehow criticising the Australian government and the intestinal fortitude showed by the Treasurer, Mr Joe Hockey, on this issue when they know that ADM have a reputation as one of the worst corporate crooks in America's corporate history, involving everything from a $400 million settlement in a price-fixing arrangement to $100 million fines. They currently have a $700 million litigation matter with the US, Brazilian and Argentinian governments which is about tax avoidance.

To give you an idea of the challenge to maintaining the national interest for Australian citizens, one of the great challenges in the national interest is revenue leakage. Last year, it was estimated there was $3 trillion—not billion—of tax avoidance through the incapacity of G20 nations to audit transfer pricing. That does not take into account the derivative swap market. I think the derivative swap market combined with a hedge is what the ADM have got themselves into litigation over. I see they have set aside $50 million in their balance sheet to try to come to an arrangement with the US, Brazilian and Argentinian governments.

With that sort of track record, I am not too sure why the US state department would want these people to come out here and buy an infrastructure arrangement which is a monopoly and which came out of the Grain Handling Authority, a government agency set up to provide a service to growers. As the recently resigned CEO said, 'We've got to act in the interest of shareholders.' I note that 73 per cent of the shareholders are offshore investor shareholders. I think 35 per cent of those people in recent times—and I actually have the documents, but I have not completed them, so I will not table all of them today—have been the hedge funds, and the hedge funds have been doing a bit of exiting in recent days. I think 16 per cent of the shareholders, maybe a few more, would have paid tax in Australia.

If I could just go to the couple of issues that have been raised: having had the intestinal fortitude as a government to take this decision against a lot of criticism, we now have to go about fixing what is wrong with the grain-handling system in Australia. To that end—and I note my National Party colleague is in the chamber—I propose in the new year to bring new terms of reference to the Senate for an inquiry into how to fix what seems to be at risk of being broken.

Sadly, it is my duty today to also inform the Senate that I think GrainCorp has misled its shareholders. In fact, its chairman, Mr Taylor, has lied to the Australian people. Today's *Australian* tells the story:

GRAINCORP has confirmed it will begin closing grain collection sites before the next harvest. But it has denied claims that it warned federal politicians more than 100 of its 280 grain collection points would have to be closed next year if the Archer Daniels Midland bid was blocked.

Sadly, that is a lie. On 14 November at 3.30 at a meeting which included CEO Alison Watkins, chairman Don Taylor, director David Trebeck and government relations director Angus Trigg to brief the National Party—and I am reading from a contemporaneous note of the meeting—Alison Watkins indicated that because of the position GrainCorp would find itself in next year they may have to close around 150, somewhere in excess of 100, receival sites. 'I would have great difficulty, as reinforced by Mr Taylor, in raising finance capital,
having promised before the bid started from ADM that they would invest $200 million in infrastructure improvements. Bear in mind that they did not actually say whether it was going to be in Australia or offshore, but they are now saying they are going to have great difficulty. If they are having great difficulty and can inform a private meeting of politicians, why did they not inform the market? I think, probably, unless he has a useful explanation—and I can assure him I am telling the truth about what happened—Mr Taylor should resign. That is just a matter for GrainCorp.

Can I go to a statement he made yesterday in The Australian which says:

Mr Taylor said up to 140 buyers competed for Australian grain, and GrainCorp had collection sites that allowed rivals to bid for incoming grain.

Well, damn me. I am sorry, Mr Taylor, but I have a letter from a Mr Andrew Earle, who was the Thallon silo committee chairman for the last 12 years—that is the GrainCorp silo site. He has a very proud record and this includes 'building the site from 150,000-tonne capacity to 320,000-tonne capacity, improving the daily intake from 6,700 tonnes per day and up to 100 road trains queuing outside the depot to receiving 20,500 tonnes per day with minimal queuing.' I congratulate GrainCorp—the same thing has happened at Junee. They have done a good job. In recent years I have expressed concerns about a reduced service level, particularly with cliff-face pricing which gives a serious advantage to the grain handlers and storage because they then blend. You can fall off the cliff, and they get a higher price because they blend. He said he flew to Sydney to speak with Alison Watkins to say: 'Unless we received improved service we would be looking to store our own grain. We are in the final stages of a development application process.'

On 16 October, only a month or so ago, GrainCorp's group legal counsel, Julian Sefton, wrote to Mr Peter O'May, Chief Executive Officer of the Balonne Shire Council, to put the shire on legal notice if they did not block the storage Mr Earle proposed to build and was in the process of building for this harvest:

Given the urgency of the situation, we look forward to council's written response by not later than 5:00pm this Friday, 18 October 2013. Failing a satisfactory response, GrainCorp will take all necessary action up to and including the commencement of court proceedings and shall tender this letter and your response on any application for costs.

This is the company that yesterday said, 'We have collection sites that allow rivals to bid for incoming grain.' I would have thought that was very anticompetitive. I will table for the convenience of the Senate that document and the long-drawn-out legal objection.

The ACTING DEPUTY PRESIDENT (Senator Furner): Senator Heffernan, are you seeking leave to table this document?

Senator HEFFERNAN: Yes, there is a package of documents that I have shown the opposition.

Leave granted.

Senator HEFFERNAN: People need to understand the detail, not the politics, of this. If I do not finish this today I will finish it at another time, perhaps in the adjournment debate. Australian beef growers understand this issue. There are huge multinationals that process the meat. There is a global boom in the beef price. Australians are getting just a bit over half in the saleyards of what they are getting in America, Ireland and everywhere else. We are on
about $1.70 for an export-quality bullock on the hoof in the saleyards, which relates to about 340, depending on the yield dead. That is about the hoof price in the United States and Ireland. That is what happens when companies like JBS Australia get hold of your industry. The same thing will happen in the grain industry.

Going back to the Thallon problem: this is a group of farmers who between them grow 200,000 acres of wheat. They said: 'Let's get together because it will cost us $60 a tonne to take the grain to port by truck, so let's do a rail facility. I'm sure GrainCorp won't mind and we can do it for $30 a tonne.' What happened is in the tabled documents. The biggest objector is GrainCorp. They do not want any competition. These are the sorts of issues we have to deal with in a future inquiry.

I go to GrainCorp's preliminary final report for the year ended 30 September 2013. On the final page, page 24, I read—even though I am not very good at reading and writing—the following in talking about the extension of the Archer Daniels Midland bid:

Other than reported above, no other matter or circumstance has arisen since 30 September 2013 which has significantly affected or may significantly affect:

a) the Group's operations in future financial years; or
b) the results of those operations in future financial years; or
c) the Group's state of affairs in future financial years.

A couple of weeks later, why would those people come to Canberra to push the case, along with a whole lot of other lobbyists from the hedge funds—the hedge funds were going to be the big winners—and say to a group of politicians, 'Unless this sale goes ahead, next year we're going to shut over 100 sites, which would mean we would not be able to raise the couple of hundred million dollars we promised for infrastructure'? Who is telling the lie? This is in their financial statement: 'Nothing we know of will affect it.' It is a lie, and I think the chairman should resign.

These are difficult issues that Australian wheat growers deserve to have the wider public and politicians in this place understand. They are intricate issues. They might care to read the Senate inquiry's quizzing of Mr Pinner—Senator Nash, I think you prompted the answer. The Australian Competition and Consumer Commission have no power over this—do not let anyone kid you otherwise. They mucked this up. They did not know that Toepfer was in the market—sadly, I will not finish this speech today; I will finish another time. They did not know the Toepfer finance people. They had not looked at the Allied Mills operation—I will talk about Allied Mills employing a private investigator to snoop on someone. I will also talk about what I think is skating to the edge of criminal conduct by one of the players in this bid—I will not discuss that here.

This is a series of serious issues. As you would recall, Senator Nash, we took the testimony of the Australian Competition and Consumer Commission and the Foreign Investment Review Board in camera. The Foreign Investment Review Board did not know that GrainCorp owned 60 per cent of Allied Mills, that Allied Mills had a 100 per cent relationship with Goodman Fielder, that Wilmar International had a 15 per cent share of Goodman Fielder or that Archer Daniels Midland had a 16.3 per cent share of Wilmar. The young guy supposed to investigate the infrastructure did not know what a subterminal was, for God's sake. These are the people we gave the responsibility to look at the thing.
Can I just say we have got a lot of work to do. I intend to justify, if I have to, in a further speech, the calling of a new inquiry which will sensibly look at how we can assist the process. CBH would like to have acquired some assets on the eastern seaboard. There are a whole range of things we need to do. I would like to think that those boys have now got their approval to build that site in Thallon despite GrainCorp's objections.

Finally, I would like to note that Mr Paul Howes ought to grow up if he thinks that ma-and-pa farmers are the essence of all this. (Time expired)

Ageing

Senator POLLEY (Tasmania) (13:00): I rise today to speak about some of the challenges that an ageing population presents for Australia. Plenty of people have spoken in this chamber and in the other place about these challenges before. One of Labor's most unrecognised but vital achievements was passing the Living Longer, Living Better reforms.

Our commitment to older Australians has been outstanding. The member for Port Adelaide and Senator Collins and indeed their staff should be particularly proud about what they accomplished. But of course the matter of an ageing population is still something that Australia must consider carefully. We all know what problems we face as a First World country with baby boomers heading towards retirement. Politicians from across the political spectrum have repeated the statistics that many of us have heard many times before. They are sobering.

The amount we are spending on health care in this country is rising at six per cent per year. This is twice the growth rate of our GDP. Our spending on hospitals is accelerating dramatically. They are receiving some $18 billion a year more than they received a decade ago. A considerable percentage of this expenditure is of course dedicated to looking after older Australians, and this is quite simply unsustainable over time.

According to the Productivity Commission, total Australian government spending reported on ageing and aged-care services is now close to $13 billion a year. This of course will not get any easier anytime soon. As I stand here today, just over 10 per cent of the population is aged over 65, but by 2050 it will be close to a quarter. Because health costs are higher at the end of life, the vast bulk of the nation's health budget will soon be spent on older people, many of whom will be retired and not paying tax.

By the time we reach the point where one in four people in this country is aged over 65, the number of people of working age in Australia—20 to 64—relative to older people—65 plus—will fall from the current ratio of five to one to a daunting 2½ to one. The problem of attracting staff to work in residential facilities is also well known The work is incredibly taxing, the responsibilities immense and the financial reward far from generous.

The Productivity Commission has pointed out that increasing numbers of residents with higher and more complex care needs have added to the workloads of care staff in residential care settings. As we speak, some 50 per cent of the aged-care workforce is within 10 years of retiring, and it is proving particularly challenging to attract young, capable people to undertake this line of work. So I want to be absolutely clear when I say that the challenges we face in this country with an ageing population are immense. Every politician, every expert in the field, every stakeholder and every aged-care provider knows it.
But today I do not just want to speak about the problems we face due to an ageing population; I want to talk about opportunities that are right in front of us. I want to talk about how we can innovate to not only save billions of dollars in public health expenditure but also ensure that our older Australians live their lives with greater comfort, dignity and independence. I want to talk about solutions which are not only within our grasp but more than achievable if we demonstrate foresight and think creatively.

What are the solutions? What is the best way to confront this? We have to act if we are to ensure that we can properly look after our older Australians, but we cannot compromise economic growth and expenditure in other areas. I think that everyone in this chamber, in this entire building, would agree with that statement. But here is the key: improvement has to come from efficiency gains, not spending cuts.

In this context it is very much worth heeding the words of the Grattan Institute's Stephen Duckett and Cassie McGannon, who contributed the following:
Reducing health spending growth will not be easy. As Grattan's Game-changers report last year showed, Australia already has one of the OECD’s most efficient health systems, in terms of life expectancy achieved for dollars spent.
Sweeping cuts to health funding, or shifting costs to consumers, could have serious consequences. Blunt cost-cutting risks reducing health and well-being, and could ultimately lead to higher government costs due to illness, increased health-care needs and lower workforce participation.

We need to focus on targeted investment. We need to focus on innovation, not simply cuts.

Several weeks ago in Melbourne the former Independent member for New England, Tony Windsor, delivered a remarkably candid and perceptive speech at a Victorian Women's Trust event honouring our former Prime Minister Julia Gillard. Mr Windsor was discussing the virtues of fibre-to-the-premises broadband versus the coalition's model when he said in relation to the current Minister for Communications:
Malcolm talks about benefit costs … I make this plea to Malcolm—and there might be some academics in the audience … —someone should do the work on what fibre-to-the-home does in relation to the aged-care debate long term … We have a significant problem. Peter Costello—
a reference, of course, to our former Treasurer—
recognised this some years ago in terms of the ageing of the population. We are going to have a big bump of older people … coming through the system. If five per cent of those people could stay in their homes for one or two years additionally, or whatever the number you want to pick, what impact would that have on the capital costs of this bump coming through the system? What impact would it have on the operational costs of supplying those beds? What impact would it have on the psyche of the people and their families?
He went on, and this part is crucial:
It is nonsense to suggest that there is a better way of doing this. If Tony Abbott wants to be the infrastructure champion of the decade—
that is the key infrastructure issue—
that is the one thing that connects all the dots, the health, the education, the business, the social aged-care issues. It is the one thing that removes distance and remoteness as being a disadvantage for country people.
The former member for New England is exactly right. If we approach this properly, if we innovate and consider what is best for an ageing population, we can succeed in immeasurably
improving the lives of older Australians whilst saving the nation billions of dollars. It is right there in front of us.

The answer lies in solutions such as telehealth. Telehealth is not something that many Australians will be immediately familiar with. Previously, when we talked about technology to help older people, we were referring to monitors which sent out an alarm if someone fell. But today we can do so much more with world-class broadband: the sky is the limit. Modern telehealth innovations allow for houses full of sensors which transmit data in real time to monitor things like health and even mobility.

What is even more valuable is the use of sophisticated consoles so that these people can speak face to face with friends and family but also nurses, doctors and specialists. Instead of admissions to hospital or residential aged-care facilities, we can have monitoring of older Australians in their own homes. They can live where they want, where they feel comfortable, and they can communicate with others in the process, combating social exclusion while having key health indicators monitored.

The technology is advanced enough that the CSIRO's Geoff Haydon, who is working on the NBN telehealthcare trial in northern New South Wales, said that the modern equipment enables professionals to:

manage and monitor people as though they were in a retirement village, while they're still in their own home.

As those who have a relative or friend in residential care will tell you, it is an expensive and complex proposition. The amount paid depends on personal assets, but the average bond paid by new residents is now approaching a quarter of a million dollars. So once again it becomes clear: staying at home, even for just a little longer, not only is preferable from a health and happiness angle but also makes financial sense.

The Australian Bureau of Statistics agrees, noting that by regularly monitoring the health of older Australians with this technology we will not only improve their quality of life but also help prevent illness or injury. Consultations with health professionals will enable monitoring of lifestyle risk factors and overall maintenance of good health.

Successful telehealth monitoring saves money in a range of ways, some of which are not immediately obvious. We need to consider reduced ambulance journeys, reduced travel to doctors and specialists, reduced numbers of acute incidents arising out of chronic illness, and reduced hospital visits and admissions. The list goes on, and over time the billions add up.

Most of the studies on telehealth have come from overseas, notably the United States. However, studies conducted in Australia by not-for-profit aged- and community-care provider Feros drew incredible results. Some 80 per cent of clients in a trial reported that telecare had improved their quality of life during the program, and 69 per cent of clients reported being less concerned about the daily severity of their condition.

But let's talk numbers. Daily telehealth supervision every day costs just over $7. Let's compare that figure to the staggering $967 that is spent on an average acute hospital bed stay, beds which are of course limited in number and desperately needed.

When Access Economics was commissioned by the Department of Broadband, Communications and the Digital Economy to provide a cost-benefit analysis of introducing a telehealth intervention into aged care, the results were staggering. Based on a target
population of just over 17,000 older Australians, it was estimated that the intervention could save over $17 million in net present value terms, with a further $6.8 million in health system savings. If the benefits from reduced pain and suffering are included, the total gross benefit is a further $9.5 million. Just imagine if this were deployed right across the country, if every household were connected to world-class broadband.

But here is the other component of this solution: to take advantage of telehealth, we need world-class, medical-grade broadband. We need fibre-to-the-premises broadband. Unfortunately, when it comes to discussing the NBN, the coalition have sought to trivialise the benefits associated with superior broadband and pretend that it is something that will benefit a small fraction of the Australian population.

In fact, earlier this year I appeared on a panel television show, The Nation, alongside Senator Eric Abetz and Senator Peter Whish-Wilson. I was slightly horrified to hear what the Liberal senator from Tasmania, my home state, had to say on delivering fibre-to-the-premises broadband to every household and business. He said:

It's like saying that every home needs the Rolls Royce parked in the driveway.

This is actually how the Liberal Party and the Liberal government think.

But of course we have heard even worse. It was in fact our now Prime Minister who said earlier this year:

The National Broadband Network is a luxury that Australia cannot now afford. The one thing you don't do is redo your bathroom when your roof has just been blown off.

But it gets even worse. When asked in relation to fibre-to-the-premises NBN in December 2010, our Prime Minister said:

… do we really want to invest $50 billion worth of hard-earned taxpayers' money in what is essentially a video entertainment system?

A video entertainment system! A luxury that is likened to renovating your bathroom! That is how the coalition views the NBN, as a glorified video entertainment system.

What if I were to inform those opposite that fibre-to-the-premises NBN is almost certainly worth building for the healthcare benefits alone, especially for those older Australians who need day-to-day assistance to live their lives to the fullest extent possible? In fact the former head of the National E-Health Transition Authority estimated that 30 to 40 per cent of total NBN usage across all areas will be for health applications. These are applications that will of course be particularly valuable for the old and infirm. Fibre-to-the-premises NBN is a massive infrastructure achievement that will enable older Australians to access medical-grade reliance connections. We have to do this. We really do not have a choice. Even if we were to ignore the numbers, the cost benefits, the trials, the indisputable evidence that this is a superior solution, there is something else I would like to remind everyone of. Embracing telehealth technologies through fibre-to-the-premises broadband makes an enormous difference to the lives of older Australians. I have to say that in my new role as shadow parliamentary secretary for aged care, I have been able to visit several residential facilities and speak to older Australians and I plan to continue to do a lot more of this and to speak about this important issue into the future. (Time expired)
Indigenous Communities

Senator WRIGHT (South Australia) (13:15): I rise today to tell a story that is grim and shameful. But the ending has not been written yet, so it is possible that this story could finish with a good ending. As we are still in the story, it really depends on us.

I want to begin by acknowledging that I am making this speech in a parliament that is on the land of Ngunawal and Ngambri people. Everywhere we stand and walk and live in Australia is Aboriginal land. I feel both proud and privileged to be able to share this continent with Australia's first peoples, who have one of the oldest continuous cultures on this planet. But this is also a matter of poignancy for me, because I am very aware that there are far too many Aboriginal and Torres Strait Islander people in jail in Australia. Our first peoples are some of the most imprisoned peoples in the world. And the statistics relating to the incarceration rate for Aboriginal young people aged between 10 and 17 are particularly horrifying.

I will set the scene by going to some evidence before a Senate inquiry in Perth in April this year. This was an inquiry into the value of a justice reinvestment approach to criminal justice in Australia. Justice reinvestment is a response to the escalating rates of imprisoning people that we have been seeing in Western countries, including Australia, over some decades. It is an approach that looks at reducing crime, by strengthening the communities which give rise to the most offenders. Less crime means fewer victims and safer communities; it is good for everyone.

I have spoken on justice reinvestment before in this parliament, and I will come back to it. But first, this evidence came from Mr Peter Collins, the Director of Legal Services at the Aboriginal Legal Service of Western Australia. He said:

In 2005, I appeared for a 16-year-old boy from a place called Onslow who spent 12 days in custody for attempting to steal a $2.50 ice cream. In 2009 I appeared for a 12-year-old boy who had never been in trouble who was charged with receiving a Freddo frog worth 70c. He did not come to court, because his mum got the dates confused, and he was remanded in custody. The police eventually withdrew that charge but defended the decision to prosecute on the basis that 'it was technically correct'. In 2010 I appeared for a 16-year-old boy with a serious intellectual disability who had never been in trouble. He was charged with receiving a soft toy. He was given a bail curfew condition which his mum was unaware of. He was at his aunt's place when he should have been at home. He was arrested and taken into custody. The bail condition of the curfew was removed by the magistrate, but it was not recorded on the police computer. He was found out and about that night, remanded in custody and spent four days in custody—Friday through to Monday—before he was released again by a magistrate. In 2011, we appeared for an Aboriginal girl from Roebourne in the Pilbara who was charged with trespass. She was found on the weekend playing in playground equipment in the local primary school.

… There is every reason in the world for those charges to be diverted away from the system to keep children out of not only the court system but also, in many of these instances, the custodial environment as well.

There are alarming statistics behind this evidence. In Australia today we are locking up more people than ever before. Over the last 30 years, Australia's prison population has tripled—to around 30,000. It has been growing four times faster than the underlying population growth. This is bad enough, but there are two groups of Australians who are particularly affected by this increasing tendency to use prisons as a first rather than last resort. Although they make up just 2.5 per cent of the population, Aboriginal and Torres Strait Islander Australians account
for 26 per cent, over a quarter, of the adult prison population. Australia's Indigenous people are one of the most incarcerated peoples in the world. On current figures, Indigenous adults are 14 times more likely to be imprisoned than their non-Indigenous counterparts.

But it is the statistics about the imprisonment of our Indigenous young people which are most distressing. In some jurisdictions they make up approximately half of the total juvenile detention population. In Australia, on average, Aboriginal and Torres Strait Islander young people aged between 10 and 17 are 31 times more likely to be in detention than their non-Indigenous peers.

These soaring incarceration rates come with an enormous cost, both economic and social. In dollar terms, prisons are phenomenally expensive. Australia spends about $3 billion a year on keeping people in prison. It currently costs over $300 a day or $80,000 a year to keep someone in prison. What else could we do with this money? This increase in criminal justice spending is actually unsustainable. It is this which is causing policymakers around the world to reconsider the opportunity cost of prisons. The fiscal reality is: the more we spend on incarceration, the less we have available for other essential services like health and education.

The Northern Territory is a perfect case study. In the NT about half of all the juveniles in detention are Indigenous, but less than half of Indigenous primary school students are achieving national minimum reading standards, compared to more than 85 per cent of non-Indigenous students. This year, the NT turned down the offer of $300 million of Gonski funding from the previous government and went on to cut $16 million from their schools budget. Instead, they increased spending on law and order and on building a new prison, costing half a billion dollars, which will already be 83 beds short when it opens next year. Their choice has been imprisonment over education, but where will that lead?

It is important to remember that the real price of spiralling incarceration rates is not just the cost to taxpayers of building more prisons. There is also the long-term impact that imprisonment has on each prisoner, on their family and on their community. Each time a person is imprisoned they are not out in the community doing their parenting, participating, making a contribution. As pointed out by the Australian Youth Affairs Coalition in its submission to the Senate inquiry, the costs to young people, who are often Australia's most vulnerable and disadvantaged, are far-reaching. They said:

The true costs of incarceration far exceed the per day costs of housing young people in detention. Incarceration often results in the loss of employment and income, further disengagement with education or positive relationships, can exacerbate debt issues, and result in the loss of housing, such that homelessness becomes an issue on release.

The reality is that, despite these costs, prisons do not actually prevent crime—they come into play after a crime has already been committed and they are often only a temporary solution. People usually return to the communities they came from and they commonly leave prison in an even more dysfunctional state than when they first went in.

According to the Australian Institute of Criminology, about 25 per cent of prisoners will be reconvicted within three months of being released from prison and about 40 per cent will be reimprisoned within two years. As things currently stand, the statistics show that offenders in Australia leave prison more likely to commit future crimes and more likely to commit more serious crimes. So, on all measures of success, prisons are a failed institution. There is no evidence that prisons are working.
It is clear that a new approach is needed, and this is where Justice Reinvestment comes in. This involves a shift away from spending in prisons and into communities. It works by taking a portion of the public funds that would be spent on future imprisonment costs and diverting that money back into communities with a high concentration of offenders. That is because there is very clear evidence that a large number of offenders come from, and return to, a relatively small number of disadvantaged communities. Investing in those communities will give the best results, the best 'bang for buck', when it comes to reducing crime. This investment funds programs and services which then work to overcome the underlying causes of crime in those communities.

'Mapping', using demographic information, helps determine the neighbourhoods that will benefit most from the additional investment in prevention, early intervention, diversionary programs and rehabilitation. The communities in question, including victims of crime and families of offenders, have a central role in the design and implementation of these local initiatives. The results are then rigorously evaluated to make sure they are effective. Yes, it is really an old idea, that front-end investment saves back-end costs—or 'prevention is better than cure'—but it comes with a new evidence base and a new rigour, and it works. We have seen from the United States, most notably Texas, that if Justice Reinvestment is properly implemented it can reduce crime and imprisonment, improve public safety and strengthen our most disadvantaged communities, all without breaking the budget.

Texas is often used as an example because it is one of the most unlikely, and exciting, success stories. In 2007 it had one of the highest imprisonment rates in the United States, and officials estimated they would need to spend $2 billion over the next five years building new prisons. Instead, they invested $241 million in alternatives such as alcohol and drug treatment programs, improved probation and parole services and nurse-family partnerships to support young mothers in disadvantaged areas. They generated savings of $444 million in just one year. Six years on, crime rates continue to drop dramatically and growth in the prison population has slowed almost to a halt. Justice Reinvestment has been taken up by 17 US states and, most fascinating, it has been embraced by both Democrat and Republican politicians. That is because it makes financial and social sense.

If they can do it in the US, can we do it here? This was the very question addressed by the Senate's Legal and Constitutional Affairs References Committee when it inquired into the value of a Justice Reinvestment approach in Australia earlier this year. The conclusions were very encouraging. While acknowledging the differences between the US situation and ours, the committee strongly endorsed the principle of Justice Reinvestment and supported further investment to explore the potential of Justice Reinvestment for Australia. The majority report recommended that the Commonwealth government take a leadership role through COAG by funding trials and establishing an independent, non-political advisory body to assist states and territories who are interested in taking up a Justice Reinvestment approach.

Over the last few years, the concept of Justice Reinvestment has been gaining momentum in Australia. There are coalitions of groups now in New South Wales, Victoria, South Australia, Queensland, Western Australia, the Northern Territory and the ACT, all strongly advocating for its implementation. The most advanced project is the New South Wales Justice Reinvestment Campaign for Aboriginal Young People, which was launched by Governor Marie Bashir and boasts a long list of high-profile supporters and champions. At the national
level, many organisations, including the National Congress of Australia's First Peoples and ANTaR, are all playing an active role in advocating for Justice Reinvestment as a meaningful way to address the shameful overrepresentation of Aboriginal and Torres Strait Islander people in Australian prisons. There is also ongoing valuable academic research being conducted in Australia, including at the ANU National Centre for Indigenous Studies and the University of New South Wales's Justice Reinvestment Project.

The imperatives, both financial and moral, to move away from our imprisonment culture are very clear. If Australia's prison population continues to grow at an average rate of four per cent per year across the nation, we will need to add 10,000 new beds to the prison estate by 2020, at an estimated cost of over $5 billion. The human costs will be immeasurable.

That is the story so far. How it ends is up to us. We have a choice. We can choose to turn off a policy path, one that we have been following for 25 years and that has clearly been an abject failure. We can turn towards a smart approach, based on good evidence, that will actually reduce the number of people we lock up and that will also improve disadvantaged communities. But that would mean rejecting a beguilingly and simplistic 'tough on crime' mantra, which is so tempting for politicians in the throes of an election campaign or for newspaper editors who want to sell more papers. It would require a truly principled approach.

Still, if the Democrats and Republicans in the United States can put aside their differences and stand together, then surely we can do that here. But it would not be a bipartisan approach. In this parliament it would be a tripartisan approach. As an Australian Greens senator I am committed to finding and working with like-minded politicians across the parliament. Just imagine the young lives we would transform if we could just start to turn the statistics around. It would be a good ending.

**Defence**

**Senator FAWCETT** (South Australia) (13:30): Abraham Lincoln has been credited with the statement comparing a politician to a statesman, saying the difference is that a politician has an eye on the next election, whereas a statesman has an eye on the next generation. If there is one area in public policy where we should have that long-term view, where we need statesmen in this institution of the parliament and public life, it is in the area of national security and defence. I have a good basis to start from. Section 51 of the Constitution provides the Commonwealth with powers that leaders of both major political parties have over the years, in their own words, referred to as the first and most important task of government—that is, the defence of the nation. So you would think on that basis and with those strong comments that there would be a broadly agreed plan that the nation would stick to. It is perhaps then with some surprise that we saw the current secretary of Defence give a speech last month where he said that as a consequence of cost-saving measures and budgets, the goalposts for Defence, had not only been moved but had been cut down and used for firewood.

It was perhaps surprising to see the headlines in the paper last month: 'Decisions of government and budget cuts weakened our forces'. Greater details were provided in the blue book for the incoming government brief on just how severe those decisions by government have been. Perhaps the description by Greg Sheridan, foreign affairs writer in *The Australian*, was a little more graphic, who said:
… defence … is an incoherent mess, to mix the metaphors, an approaching train wreck of colossal proportions.

The public is entitled to ask why. For something that is the first and most important task of government, why can that occur? It is fairly clear that Lincoln got it right; it is because of politics. It is because of that short-term cycle. We have only to look back a couple of months to the last election campaign where one of the contenders to become the Prime Minister of this country was racing around making decisions that, in some cases, were clearly thought bubbles. One of those cases involved shifting the fleet base of the Australian Navy from Garden Island, where it has been since the inception of the Australian Navy, to Queensland. Let us consider the consequences if the election had turned out the other way: a thought bubble could have caused a major disruption and therefore major costs and driven major inefficiencies to our Defence Force. So, clearly, that political cycle kicks in in the area of budgets.

During estimates, when asking questions about the cancellation of a project for self-propelled artillery, it became clear that that was the decision that Defence felt they had to make. Despite the fact that this was a more effective and safer capability, a more cost-efficient capability over time, it was a short-term savings measure they had to make because there was a political imperative to reach a surplus. In an article published earlier this year, I wrote: The arbitrary cancellation or deferral by Government of major capability projects has caused significant waste and disruption to both Defence and defence industry. Disruption on this scale has a large price tag and if Defence were a publically listed company, the shareholders would be sacking the Board. What are those costs? One thing we have now been able to quantify through the estimates process is what some of those costs of short-term political decision making have been on the long-term enterprise that is Defence. Since 2009—and I am taking that as a benchmark because there was, largely, bipartisan support for the 2009 white paper—the absorbed measures that Defence has had to take on board have been over $4 billion. For people who are not familiar with that term and for the public listening to this debate, an absorbed measure is where a government makes an announcement and says, 'We're going to do A, B or C in Defence and we're going to spend $1 billion on it.' But, rather than allocating new money, they say to the defence department, 'Oh, by the way, find that out of your existing budget; just absorb that.'

The problem with that is that Defence is a large and complex organisation. It makes its plans ahead of time for the things that any organisation needs. It needs maintenance for its facilities and maintenance for its equipment. It sometimes needs remediation of facilities that perhaps have asbestos in them. It needs training; it needs to operate. It has contracts. So every time there is an absorbed measure—and, as I said, since 2009 there have been over $4 billion worth of absorbed measures—it has a direct cost on things such as changes to contracts. Every time you defer maintenance it is more expensive. It is more expensive to do it in two years time than it is to do it now. And, at the most recent estimates, Defence identified that the cost of that short-term political disruption to a long-term program, between 2009 and the end of the forward estimates, is a staggering $16.1 billion.

So we are not only talking about trying to catch up to the deferred projects that were pushed out to the right; there is now a $16.1 billion hole that taxpayers and the government of whichever persuasion is in office will have to catch up on in order to actually put Defence on
a sustainable footing. And, bear in mind, this is the first and most important task of government. So there is a significant challenge for the government now as we look to rebuild in a very tight financial climate.

The pressure builds even more because we are now starting to look at pulling forces out of Afghanistan. What we see repeated through history is that, where we draw back and scale down from a military conflict and commitment, there is an expectation that the public and many in public life have that there should be a so-called peace dividend—that we should be able to save money. The fallacy in that was really brought home in East Timor. Post Vietnam there was a so-called peace dividend; there was a draw-down in investment in our forces. The current Chief of Army, General Morrison, really hit the nail on the head in a lecture he gave within the last 12 months where he said East Timor was a 'strategic shock' for Australia because we suddenly realised that the underinvestment, the hollowing out, that had occurred in our Defence Force meant that we were barely capable of taking on a lightly armed militia in a neighbouring island and bringing security and stability to that region. Who knows how dire the outcome could have been if that conflict had involved a peer adversary as opposed to a lightly armed militia.

The lesson that comes out of that is that we in this place, and the executive in particular, whichever side of politics it is, will commit the young men and women of Australia to conflict tomorrow with what we are prepared to pay for today. How do we overcome this challenge that faces the Australian people, this parliament and this current executive? We do need to overcome it. Events change quickly. We saw that with East Timor. The French found that with Mali. We have seen recent events in our own region and in North Asia where things change very quickly, so we do need to be looking at how we can reform and afford the defence capability we need now.

Reform is a key word and I welcome the fact that the current government have indicated that they will be doing a root-and-branch review of defence. There have been a number of reviews in the past and, in fact, that in itself can be a problem, where Defence has not even had time to bed down the first review before the second and third are rolling through. So I welcome the minister's comments that he will be seeking to allow Defence to have a large say in that root-and-branch review of how it can do work better. There is undoubtedly work that needs to occur within Defence, but also within the broader government and the central agencies, to refine how information flows from the department through central agencies and how Defence can procure things within the guidelines that are imposed upon it by central agencies. We have seen in the UK and the US that decisions have had to be made around competition policy and value for money considerations that take a far longer term view, and they are reforms we need to consider here in Australia.

Lastly, we also need to reform our political approach, and that is the main point I want to raise today. We desperately need to reform our political approach to national security here in Australia, if it is indeed the first and most important task of government.

I have written a number of op-eds over the last couple of years looking at the impact of the political cycle and political decisions and how that can be improved. One area that I think has significant potential for us is to learn from the Danish. The Danes have a multiparty defence agreement where, of the eight parties in their parliament, every five years seven of those parties come together and form an agreement that binds whichever grouping of those parties
formed government to set a agenda in terms of their force structure, their alliances, their procurement programs, which bases they will expand and which they will close, and the funding that is allocated. It can be amended if it needs to be, but it forms a good basis that provides stability and efficiency for both Defence and defence industry in planning and supporting the nation.

Some critics of some of the papers I have put out have indicated that they are concerned that we would lose the political contestability around such an important area. But this is where I think we have the opportunity to learn and take from the best of different nations around the world, just as we have with our parliamentary system, where we have taken the Westminster system for the lower house but we have borrowed from the US when it comes to our understanding of a Senate. Likewise, whilst we look at the concepts that lie behind the Danish defence agreement, we can also take examples from the American quadrennial defence review, where there is a partisan element to it as well as the professional public servants from the administration who develop military strategy and options. There is also an element where both the Democrats and the Republicans can nominate appointees to debate and develop an approach to national security, and so that political contest occurs as part of the system.

There is no reason why Australia cannot bring those two systems together with our current white paper planning process, along with a politically sponsored approach of looking at how we defend mainland Australia, whether we have forward defence and what importance we put on maritime strategy—all of those discussions that occur now within the Australian Strategic Policy Institute, the Lowy Institute for International Policy, the Kokoda Foundation and the Sir Richard Williams Foundation. Those could be brought into a coherent government process so that we can come up with an agreement that both sides of politics can live with and that will provide stability to our Defence Force so that never again will a secretary have to say that the goalposts were not only moved but cut down and used for firewood.

Importantly, in terms of political accountability, once that agreement is in place it actually provides very clear, well-articulated and agreed key performance indicators that the opposition can hold the government to account for. Likewise, there has been much discussion—in fact, even last year in the review of the Defence annual report, the Foreign Affairs, Defence and Trade Committee was considering whether that report and its structure were actually giving the parliament the information that we needed. Having a defence agreement by which Defence knows that there is stability would mean that there would be a much better and clearer framework, which the parliament could hold Defence accountability for. There would be clear and stable goalposts and a stable budget. The parliament could say, 'This is now what we are expecting you to deliver in terms of military capability for the nation.'

National security is an area in which we need to take heed of Lincoln. We need statesmen. We need to move beyond the political cycle. We need to look at ways in which we can learn from the best practice around the world and have a system such that we can agree on what the strategic needs are and how they translate to practical things in the defence area and agree on a plan and a budget that will give people the capable and sustainable Defence Force that it needs into the future.
Blue Mountains Bushfires

Senator CAMERON (New South Wales) (13:45): I rise on a matter of public importance, the serious policy issues arising from the experience of the Blue Mountains bushfires. It is now 48 days since the bushfires in the Blue Mountains. There has been inconsistent treatment of Blue Mountains residents in relation to the disaster relief payment. There has been a nondelivery of the policy promises for small business to receive a consequential damage concessional loan. That was promised by the Prime Minister and Minister Billson prior to the election. There has been a failure to coordinate the demolition and waste disposal using a best practice approach, as was achieved both in Victoria and Tasmania.

In Victoria, a contract was in place to remove all debris and do all demolition within 21 days. That was a fire that affected some 2,000 homes, as senators will be well aware. The Blue Mountains fires affected just over 200. In Tasmania, where there was an equivalent number of homes involved—just over 200—they had a contract for demolition and removal in place within eight days. In my view, there is a need for an analysis of the longstanding arrangements on the responsibility of the various levels of government in a bushfire event or any other emergency situation.

There are three key areas to disaster handling. One is prevention and mitigation. Another is the response to the bushfire or flood. The third is the recovery activities that take place after the disaster. There is significant scientific and practical work on prevention and mitigation. I was fortunate this morning to be at a CSIRO breakfast presentation on what is being done in relation to floods and bushfires. This included new products being developed for building houses, the new analyses that can now be done and the computer modelling that is being used to track fires. All of these things to do with prevention and mitigation are world class.

On the response, I do not think that anyone would argue that Australia does not have a world class response to disasters. We respond through our firefighters, including our volunteer firefighters from all over the country, who came to the Blue Mountains emergency to assist, as they do to other areas of this country and New Zealand and elsewhere overseas. Those firefighters from around this country were fantastic in coming to the Blue Mountains. The emergency services were fantastic. The community organisations came in and put their shoulders to the wheel. Volunteers were there to help anyone who needed help immediately.

There is another area that you do not hear a lot about, but I want to place on the record my appreciation for the work done by the ABC. You hear lots of critiques and criticism of the ABC. But the ABC are a disaster response agency in terms of getting messages out there. The ABC were fantastic in that regard. They, through 702 in Sydney, have been extremely supportive of the Blue Mountains community. They have helped with fundraising. They have conducted support. They were there last weekend at a community function in Winmalee. They did a great job. The CSIRO do a great job as well. The area that I have shadow responsibility for, the Department of Human Services, do a fantastic job in chipping in with state public servants as well.

There are a number of recovery issues that are problematic in the Blue Mountains. The state government established a Blue Mountains recovery committee. I am a member of that committee. I have attended all of the meetings when I have not been in parliament. There are serious issues being dealt with. There are hard-working and committed public servants and volunteers on that committee. The council has representatives on that committee. I want to
give my thanks to Councillor Greenhill, the Mayor of the Blue Mountains, who has done a fantastic job. New South Wales Public Works have been excellent in their support for that committee.

But my view is that, regardless of what eminent person is in charge of that committee—and in the Blue Mountains it is a highly respected individual, Phil Koperberg, former fire commissioner in New South Wales—no individual has got the ongoing professional experience to bring with them the strategic knowledge of all the bushfire problems that have been experienced in this country over a period of time. That is a big problem. There is a big gap in our knowledge in dealing with the recovery from bushfires.

I believe that we need an increased professional overview of the recovery process. I say that because we did not learn the key lessons of the Victorian and Tasmanian bushfires. We did not take that into account. When I heard about the coordinated response to the bushfire clean-up in Victoria and Tasmania I asked my staff to look on the internet and see if they could find me an overview of how those recovery issues went. It took Mark Andrews from my office five minutes to come up with a disaster-waste-management case study of the 2009 Victoria bushfires. It was by an independent research organisation called Resilient Organisations; research report No. 4, of 2010. That report said that the most successful part of the bushfire recovery in Victoria—and remember there were 2,000 homes destroyed—was the government sponsored clean-up, which was hailed as the best post-bushfire government initiative.

Senator McKenzie interjecting—

Senator CAMERON: Senator McKenzie, this is a serious issue. If you want to interject that is okay but this is a very serious issue. People in the Blue Mountains have lost their homes, people in the Blue Mountains are traumatised and people in the Blue Mountains have lost everything they have worked for, so if you want to intervene in this that is okay but I would just ask you to have a bit of respect for my community of the Blue Mountains.

Resilient Organisations said that there were five key decisions to be made in any bushfire recovery: (1) the establishment of an overview committee, which was done in the Blue Mountains; (2) a single waste classification for waste-handling procedures, which was not done in the Blue Mountains; (3) a government decision to fund the demolition and debris removal from private property, which was not done in the Blue Mountains, and we are getting some spasmodic response now after nearly seven weeks; (4) having a single contract for these works, which was not done in the Blue Mountain; and (5) the construction of a new landfill cell. They are the areas seen as important in the recovery. The report said that this decision on the overall clean-up assisted in quick business regeneration and allowed businesses to get on with it, providing an economic stimulus; people had an opportunity to rebuild and get local tradespeople and businesses involved, and it resulted in the reduction of dependence on government assistance.

Those lessons that were so important in the bushfires of Tasmania and Victoria have not been learnt in New South Wales. I understand that there are long-established strategies, such as the National Strategy for Disaster Resilience, back in February 2011, but those strategies need constant updating; they need constant renewal. The lessons we learnt in the Blue Mountains should be available for communities and recovery processes elsewhere in the country. There has been political indecision on the recovery after the bushfires in the Blue
Mountains. Implementation of fundamental lessons has not been undertaken. There are a number of lessons on the role of the federal government—one is for the federal government to show leadership. The days of simply handing money over to the state governments and hoping that they are competent and committed, understand the issues and will spend the money wisely should be over. There is a role for the federal government, in a disaster, to have a strong overview. We cannot rely on the effectiveness of a state government if there is ineffectiveness in the approach by the federal government.

I also believe there should be a proper analysis of the literature on disaster recovery around the world, and the Attorney-General's Department should do that. It should look at experience overseas and in Australia and put together the literature to see what lessons need to be dealt with from that. On the National Disaster Relief and Recovery Arrangements, I take the view that there should be a team of professional recovery experts, under the auspices of the Attorney-General's Department. We cannot rely on part-time commissioners. We cannot rely on amateurs coming in to run the show. We need professional recovery experts who understand the issues and who understand the problems. They should be deployed in a disaster, with a broad based strategy, using the lessons from previous disasters. That broad based strategy should set the tone and direction of local-level planning, and that local-level planning is extremely important.

The lessons learned show clearly that there needs to be a national overview. Blockages to any strategic approach to disaster recovery should be done through the Prime Minister and the Premier removing any blockages. I do not believe that there should be an absence of the Premier or the Prime Minister from disaster-recovery arrangements in this country. The lessons learnt should be documented and we should hit the road running with future disasters. We should make sure that the problems we have experienced in the Blue Mountains are not experienced by other communities facing natural disasters in this country, because the CSIRO and the national disaster recovery group are saying that we will face more disasters, many of them because of changes to the climate, and they will be ongoing problems.

I had a response from the Hon. Michael Keenan to correspondence I sent him over a month ago. It is now clear that the residents of the Blue Mountains will be treated as second-class citizens by this federal government. I have had correspondence from the Minister for Small Business, and it is clear there is another broken election promise in the Blue Mountains, where the concessional loans that were promised have not been paid.

_Senator Abetz interjecting—_

_Senator CAMERON:_ You can chortle all you like, Senator Abetz. You have broken a promise. _Time expired_

**DISTINGUISHED VISITORS**

_The PRESIDENT (14:00):_ Before I call Senator Brandis I acknowledge in the President's Gallery the presence of former senator Sandy Macdonald. Welcome to question time.

_Honourable senators:_ Hear, hear!
MINISTERIAL STATEMENTS
National Security

Senator BRANDIS (Queensland—Deputy Leader of the Government in the Senate, Vice-President of the Executive Council, Minister for Arts and Attorney-General) (14:00): by leave—Yesterday, search warrants were executed at premises in Canberra by officers of the Australian Security Intelligence Organisation (ASIO) and, in the course of the execution of those warrants, documents and electronic data were taken into possession. The premises were those of Mr Bernard Collaery and a former ASIS officer. The names of ASIS officers—whether serving or past—may not be disclosed. The warrants were issued by me, at the request of ASIO, on the grounds that the documents and electronic data in question contained intelligence relating to security matters.

By section 39 of the Intelligence Services Act 2001, it is a criminal offence for a current or former officer of ASIS to communicate 'any information or matter that was prepared by or on behalf of ASIS in connection with its functions or relates to the performance by ASIS of its functions', where the information has come into his possession by reason of his being or having been an officer of ASIS.

As honourable senators are aware, it has been the practice of successive Australian governments not to comment on security matters. I intend to observe that convention. However, in view of the publicity which has surrounded the matter since yesterday, I consider that it would be appropriate for me to make a short statement about the matter which does not trespass beyond the convention, and which will also provide an opportunity to correct some misleading statements that have been made in the chamber this morning, and by others.

I listened to the debate in the Senate earlier in the day on Senator Milne's procedural motion. I listened, in particular, with great respect to Senator Faulkner's contribution. I agree with what Senator Faulkner had to say and—if I may say so—consider it to be an accurate and judicious statement of the applicable principles. While a national security minister should never be compelled by the parliament to make a statement concerning intelligence matters, it may, as Senator Faulkner rightly said, be appropriate on particular occasions for him to prevail upon the courtesy of the chamber to do so.

Warrants of the kind executed yesterday are issued under section 25 of the Australian Security Intelligence Organisation Act 1979 (the Act). They are only issued by the Attorney-General at the request of the Director-General of ASIO, and only if the Attorney-General is satisfied as to certain matters. It is important to make that point, since it was asserted by Senator Ludlam, in apparent ignorance of the act, that I had 'set ASIO onto' these individuals. The Attorney-General never initiates a search warrant; the request must come from ASIO itself.

When the director-general makes such a request, a search warrant may only be issued by the Attorney-General if the conditions set out in section 25(2) are fulfilled. That provision requires that the Attorney be satisfied that there are reasonable grounds for believing that access by ASIO to records or other things on the subject premises will substantially assist the collection of intelligence in accordance with the act in respect to a matter that is important in relation to security. Security is defined by section 4 to mean the protection of the Commonwealth and its people from espionage, sabotage, politically motivated violence,
attacks on Australia's defence system, or acts of foreign interference; and the protection of Australia's territorial and border integrity from serious threats.

On the basis of the intelligence put before me by ASIO, I was satisfied that the documents and electronic media identified did satisfy the statutory tests, and therefore I issued the warrants. Of course, honourable senators would not expect me to disclose the specific nature of the security matter concerned.

I am, of course, aware that Australia is currently in dispute with Timor-Leste over matters relating to the Timor Sea. That dispute is the subject of arbitration proceedings in The Hague, which are due to commence tomorrow. The case is being heard by an arbitral tribunal established under Article 23 of the Timor Sea Treaty. In those proceedings, Timor-Leste makes certain allegations against Australia. The Australian government is defending the proceedings and contesting the jurisdiction of the tribunal. I am aware that Mr Collaery is one of Timor-Leste's counsel in the proceedings.

Australia, of course, respects the proceedings and respects the arbitral tribunal. We will be represented by the Solicitor-General, Mr Gleeson SC, and by Professor James Crawford AC SC, who is the Whewell Professor of Public International Law at the University of Cambridge.

Last night, rather wild and injudicious claims were made by Mr Collaery and, disappointingly, by Father Frank Brennan, that the purpose for which the search warrants were issued was to somehow impede or subvert the arbitration. Those claims are wrong. The search warrants were issued, on the advice and at the request of ASIO, to protect Australia's national security.

I do not know what particular material was identified from the documents and electronic media taken into possession in the execution of the warrants. That will be a matter for ASIO to analyse in coming days. However, given Mr Collaery's role in the arbitration, and in order to protect Australia from groundless allegations of the kind to which I have referred, I have given an instruction to ASIO that the material taken into possession in execution of the warrants is not under any circumstances to be communicated to those conducting the proceedings on behalf of Australia.

Might I finally make the observation that, merely because Mr Collaery is a lawyer, that fact alone does not excuse him from the ordinary law of the land. In particular, no lawyer can invoke the principles of lawyer-client privilege to excuse participation, whether as principal or accessory, in offences against the Commonwealth.

I understand that the opposition was briefed by ASIO on this matter earlier today.

**QUESTIONS WITHOUT NOTICE**

**Alcohol and Other Drugs Council of Australia**

Senator McLUCAS (Queensland) (14:07): My question is to the Assistant Minister for Health, Senator Nash. Did the Prime Minister write to the Alcohol and Other Drugs Council of Australia on 14 October? Did that letter say: 'I look forward to working with you in the years ahead'? Can the minister explain why, six weeks after the Prime Minister signed that letter, the government axed the council's funding and forced it into voluntary administration?
Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:08): I thank the senator for her question. There is no doubt that, with this government taking office, the previous government left the country in such a situation that we are having to make some difficult decisions. I very recently made the decision—

Opposition senators interjecting—

The PRESIDENT: Order! Senator McLucas has asked the question. Senator Nash is entitled to be heard in silence.

Senator NASH: Thank you, Mr President. The ADCA, that I recently took the decision to discontinue funding for, is part of a number of organisations that provide advice to the government. I took the decision to cease that funding in the knowledge of two very carefully thought out processes. One is the fact that—

Opposition senators interjecting—

Senator NASH: If those opposite listened, they might learn something. One is the fact that there is a range of organisations that provide advice to the government, as those opposite would well know. One of the things that this government has undertaken is to ensure that we reduce duplication where we can. The other thing I took into consideration was the fact that the previous government left this government with a $200 billion net debt. I can indicate to senators on the other side, if they are not already aware, that the Australian people expect this new government to appropriately consider organisations for their efficacy and their fiscal responsibility when it comes to appropriately spending taxpayers’ money. Every single dollar of taxpayers’ money—

Honourable senators interjecting—

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

Senator NASH: Thank you, Mr President. Every single taxpayer dollar that this government spends is a dollar that somebody has earned, and this government is going to ensure that we act appropriately. (Time expired)

Senator McLUCAS (Queensland) (14:10): Mr President, I ask a supplementary question. Is the minister aware of comments by council president, Mal Washer, who described the decision to axe the funding as ‘a devastating blow’? Did the minister consult with Dr Washer, a former Liberal MP, prior to this decision?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:11): A range of commentary has been seen since the decision was taken to discontinue the funding. I note that those on the other side had four months from the initial indication of further funding from the previous government to finalise the arrangements for the continuation of that funding. Within that four months absolutely nothing was done by those opposite to complete those arrangements. Subsequent to that, with us coming into government, there are a range of programs across portfolios for which we will be determining whether they are delivering appropriate and efficacious service, and we make no apologies for that. (Time expired)
Senator McLUCAS (Queensland) (14:12): Mr President, I ask a further supplementary question. Minister, I note that you did not answer the question about the consultation, so I invite you again to answer: did the minister consult with Dr Washer prior to the decision? Can you also explain why a council that was established in 1946 and has been an adviser to every government since Sir Robert Menzies was Prime Minister has been axed? Is it because the council criticised the Prime Minister?

Senator NASH (New South Wales—Deputy Leader of The Nationals in the Senate and Assistant Minister for Health) (14:13): I can indicate to those opposite that I did not speak to Dr Washer. I did, however, consider a range of very important aspects before I took my decision. Quite frankly, we would not be in the position of this government having to review so many ranges of things, programs across portfolios, if the previous government had not left the economy in such a mess. We are looking at around $200 billion of net debt and the Australian people expect this new government to act appropriately when we are considering the use of taxpayers' dollars. Every single dollar that is earned by a taxpayer is something that we on this side realise we have to spend responsibly. When we look at the track record of this government when it comes to health, it is extraordinary that they should be asking us a question on health. We saw a litany of disasters in the Health portfolio area of the previous government. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT (14:14): I draw to the attention of honourable senators the presence in the gallery of the Australian Political Exchange Council's 4th Delegation from the Republic of Korea. On behalf of all senators, I wish you a warm welcome to Australia and, in particular, to the Senate.

Honourable senators: Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Senator WILLIAMS (New South Wales) (14:14): My question is to the Assistant Treasurer, Senator Sinodinos. Can the Assistant Treasurer update the Senate on the state of the Australian economy?

Senator Cameron: Not as good as it should be, because of you lot!

The PRESIDENT: Order! You are actually entitled to be heard in silence, Senator Sinodinos.

Opposition senators interjecting—

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

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:15): I thank the honourable senator for his question. When it comes to having a strong economy, the Liberal and National parties are a unity ticket.

Honourable senators interjecting—

Senator SINODINOS: Today's national accounts were for the September quarter, and they reveal an economy—

Honourable senators interjecting—
The PRESIDENT: I remind honourable senators, if you wish to debate the issue, the time is after question time. When there is silence on my left, we will proceed.

Senator Cameron: You’ve got a demilitarised zone there, a DMZ!

Senator SINODINOS: These are the September quarter national accounts, the last quarter of accounts under the previous government, and this is the legacy that Labor has left us, with growth continuing to be below trend—0.6 per cent for the quarter, 2.3 per cent through the year. This is the fourth consecutive quarter of below-trend growth. For a number of years, we heard from the other side about trend growth and all the rest of it. That was masking weakness in the non-mining economy. These latest statistics underline that, as mining investment continues to come off, that weakness in the non-mining economy is coming through.

The major source of growth in the quarter was an increase in net exports, which we welcome, contributing 0.7 percentage points to GDP. That growth in export volumes is important. In the years to come, that will be the pay-off for the large supercycle of resource investment which we have had, but it does mean we are in a transition, and those exports will not make up for the impact on GDP of falling mining investment, so we need to continue the transition to a stronger economy. Household consumption remains subdued, contributing 0.2 percentage points to GDP growth in the quarter. Saving levels remain elevated, at over 10 per cent of GDP. Consumers remain cautious. Non-mining investment—

Senator Jacinta Collins: Take a breath, Arthur!

Senator Conroy: Full stop, full stop, comma, comma!

Opposition senators interjecting—

The PRESIDENT: Order! Senator Sinodinos, you are being interrupted again. It is not fair. Those on my left, I remind you it is disorderly to engage across the chamber when a minister is answering the question.

Senator SINODINOS: There is fairly weak business investment, and this is before the economy was hit by the full impact of the fall in mining investment. Mining investment is expected to fall from eight per cent of GDP to around three per cent of GDP over the next two to three years. That is a very big transition. Wages growth remains soft. (Time expired)

Senator WILLIAMS (New South Wales) (14:19): Mr President, I ask a supplementary question. What implications does this have for the budget bottom line?

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:19): This release, along with other information we have had since the election, indicates that the budget has continued to deteriorate from where it was in the Pre-Election Economic and Fiscal Outlook. It was important that we get the September quarter figures before the Mid-Year Economic and Fiscal Outlook is finalised. It is in the process of being finalised as we speak, but there is some more information that will be required. We will outline the full state of the budget in the Mid-Year Economic and Fiscal Outlook, before Christmas.

Again, this illustrates the need to resolve matters like the debt limit debate. Nominal GDP, which is the growth in the value of GDP, continues to be relatively low, and that is leading to the revenue forecasts being put into some doubt. So, for us, the challenge in the period ahead is to manage the transition from the mining economy to the non-mining economy, making
sure that our budget consolidation does not impact on the near-term growth of the economy.  

(Time expired)

Senator WILLIAMS (New South Wales) (14:20): Mr President, I ask a further supplementary question. What is the Abbott-Truss government doing to improve the economy?

Opposition senators interjecting—

The PRESIDENT: When there is silence, we will proceed.

Senator Conroy: But they won't stop laughing! The Liberals won't stop laughing!

The PRESIDENT: Senator Conroy, stop interjecting. I draw the attention of those on my left to the need to be silent.

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:21): We are making the tough decisions to get the budget back into balance and reduce taxes in the economy by taking the burden off business and taxpayers. This chamber can assist in that regard by abolishing the carbon tax, abolishing the mining tax and supporting our proposals to reduce red tape so we have one-stop shops for environmental approvals. We have already taken decisions to remove the fringe benefits tax on cars, one of the biggest hits on the car industry in recent years. All of you opposite who claim to be protecting the car industry, shame on you for putting the fringe benefits tax on cars and particularly hitting the charitable sector of the economy. We are providing certainty by getting resolution of 96 announced but unenacted measures left over from the government of the people opposite. And, yes, the Abbott-Truss government has a $20 billion infrastructure program which will deliver productivity increases in the economy.  

(Time expired)

Education Funding

Senator KIM CARR (Victoria) (14:22): My question without notice is to the Minister representing the Minister for Education. Does the government still maintain the view, as expressed by the Minister for Education only last week, that 'I do not believe there is an equity problem in Australia'?

Senator PAYNE (New South Wales—Minister for Human Services) (14:23): I thank Senator Carr for his question. If the senator's question is directed to the results of the PISA that were announced overnight, the Program for International Student Assessment, I think there are a number of aspects in that to which we might turn our attention. Unfortunately, the results of PISA 2012 show us most particularly that Labor's performance in education was a dismal failure. The 2012 PISA results are the worst ever in all fields and our international rankings are the lowest ever. In maths we have dropped from 15th to 19th, in reading from ninth to 14th and in science from 10th to 16th.

Honourable senators interjecting—

The PRESIDENT: I remind senators on both sides that debating across the chamber at this stage is completely disorderly. If you wish to debate it, do so after three o'clock.

Senator PAYNE: What is even more concerning is that when you analyse real Commonwealth funding per student between 2009 and 2011 it actually rose by 10 per cent. So the Labor government spent a record amount whilst also getting the worst results ever and student performance significantly behind results from 2000-06.
Senator Moore: Mr President, I raise a point of order on relevance. The specific question was about equity and a minister's previous statement. We would like to hear an answer.

The PRESIDENT: I believe the minister is addressing the question. The minister has 41 seconds remaining. There is no point of order. The minister.

Honourable senators interjecting—

The PRESIDENT: Order! When I call a senator to rise to their feet to answer a question the minister is entitled to be heard in silence.

Senator PAYNE: I was about to say that we are also surrounded by countries in the Asian region which are significantly outperforming us. Our schoolchildren are on average two to three years of schooling behind students in Shanghai, for example. What the report did find in relation to Australia is that we are a high equity education country, that in fact they found that socioeconomic background is less important in determining student performance in Australia compared to the OECD average, explaining in the report that only 12 per cent of the overall variation in student performance in Australia is relevant to that—(Time expired)

Senator KIM CARR (Victoria) (14:26): Minister, does that report also indicate that Australian students from a wealthy background have a difference of 2½ years of schooling compared to a student from the lowest socioeconomic group? In light of that evidence, will the government guarantee it will implement Labor's school funding model, which addresses equity outcomes through loadings and student resource standards?

Senator PAYNE (New South Wales—Minister for Human Services) (14:27): As I was about to say in finishing my earlier answer, which was relevant to the equity question that the senator asked before, Australia's 12 per cent of the overall variation in student performance compared to the OECD average of 15 per cent.

In relation to the model that will be implemented by the government, the minister, the Prime Minister and I in my capacity representing the minister in this chamber have indicated that we will be implementing the model as agreed by the previous government. I have said it many times in the past week. The PISA report, though, has also found, and the government has been at great pains to discuss this with the states and territories in the last 11 weeks via the ministers' discussions, that teacher quality is critically important in Australia in determining education performance. For Australian students it matters more which class they are allocated to than which school they attend. (Time expired)

Senator KIM CARR (Victoria) (14:28): Mr President, I ask a further supplementary question. Is it not the case that the minister has actually said that he will not implement Labor's funding model and as a consequence of that there will not be a proper funding model in place that actually assists Australia's most disadvantaged students? In doing that, are you not perpetuating inequality in this country?

Senator PAYNE (New South Wales—Minister for Human Services) (14:28): Senator Carr is right: we are not going to implement Labor's model, because Labor's model did not include Queensland, Western Australia and the Northern Territory. He is exactly right. We are not going to implement a model that is not truly national. We are not going to implement a model that demands central control, federal inspectors in school, that has no respect for parental and principal control and involvement. We are not going to implement that model at all. We are going to implement a model that adds $1.2 billion to education funding in this
country and allocates it to every single school student no matter which state or territory they live in.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (14:30): My question is to the Minister representing the Minister for Immigration, Minister Cash. I refer the minister to the Minister for Immigration's announcement today that there will be a freeze on protection visas issued by the government. Can the minister inform the chamber of the legal advice the government has that this motive is not in breach of the Migration Act, which stipulates that once a person is found to be a refugee they must be issued a visa?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:30): I thank Senator Hanson-Youn for her question. I would just like to confirm for the chamber that the announcement that was made by Minister Morrison today was made in relation to the Labor legacy caseload of approximately 33,000 people. The former Labor government, who was in an unholy alliance with the Greens, actually dumped these people into the community on bridging visas and, in some cases, with no work rights. They are the people that Senator Hanson-Youn is referring to.

We on this side of the table are now clearing up the Labor legacy caseload. We have made it very clear that section 85 of the Migration Act gives the minister the power to cap the number of visas of a specified class that may be granted in a financial year. The minister determined to exercise his powers under section 85 of the Migration Act and that is exactly what he did, as he is entitled to do.

Senator HANSON-YOUNG (South Australia) (14:32): I ask a supplementary question. I refer the minister to the fact that she did not answer my question, which was in relation to legal advice that the government has or has not received. How many children will continue to be locked up as a result of the minister's announcement today?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:32): In relation to legal advice, I advise the senator that, consistent with the practice of the former government of which she was a member, ministers do not comment on legal advice.

In relation to the number of children, I am actually surprised that the senator has the gall to come into this chamber and raise the issue of children when over 8,000 children came to Australia on boats under the policies of the former Greens-Labor government. Over 2,000 of those children were placed into detention by Senator Hanson-Youn's government partners.

In relation to the deaths at sea—the confirmed 1,100—we do not know how many children actually perished. So, Senator Hanson-Youn, in relation to your question—(Time expired)

Senator HANSON-YOUNG (South Australia) (14:33): Mr President, I ask a further supplementary question. When it comes to this government, is there a limit to how much it is prepared to punish a person, including children, because they have arrived by boat after fleeing war and persecution? At what point does the government say that enough is enough?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (14:34): The people of Australia made their position very clear in relation to this government's policies on 7
September. I believe that they sent a very clear message to the former government, which included Senator Hanson-Young, that they did not agree with their policies. This government makes no apologies at all for the fact that it has assumed control of Australia's migration program. We make no apologies for that, unlike the former government where you, Senator Hanson-Young, allowed the people smugglers to take control of Australia's migration program. Minister Morrison, the Prime Minister and I have been very clear, just like Mr Howard was. We will determine who comes to this country and the circumstances in which they come and we make no apology for that.

**Government Policy**

**Senator McKENZIE** (Victoria—Nationals Whip in the Senate) (14:35): My question is to the Leader of the Government in the Senate, Senator Abetz. Will the minister update the Senate on the government's plans to build a stronger Australia and thereby reflect the will of the Australian people as clearly expressed at the election on 7 September?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:35): The plan to which the honourable senator refers is not only the Australian government's plan; it has now become the adopted plan of the Australian people, because they endorsed our manifesto on 7 September 2013—something that those opposite have still not been able to grasp.

*Opposition senators interjecting—*

**The PRESIDENT:** Senator Abetz, you can resume your seat as you are entitled to be heard in silence. Those on my left. Senator Abetz, you can continue.

**Senator ABETZ:** Part of our plan for restoring the Australian economy, enunciated in the document *Our plan—real solutions for all Australians*, was to repeal the carbon tax to ensure that jobs could grow and household budgets could be maintained. We had a policy to repeal the mining tax. How important is that, given the information that Senator Sinodinos just provided to the Senate in relation to the drop-off of mining investment? We had a policy to stop the boats to ensure that the haemorrhaging of the Australian budget stopped. Senator Cash has just given us a description of the reasons why such a policy was needed and so overwhelmingly embraced by the Australian people. We also have a policy to restore law and order to the building and construction sector and to registered organisations. We took those policies to the Australian people and the Australian people endorsed them. We also took a policy of getting the budget back under control, which requires some tough decisions, as enunciated by Senator Nash earlier in question time. We are a party and a government that have submitted ourselves to the Australian people. It happens every three years in this country, and the people of Australia decide who they want as their management team for the following three years. The Australian people spoke loud and clear—very loud and clear—as to who they wanted to run this country and we intend to implement our policies. *(Time expired)*

**Senator McKENZIE** (Victoria—Nationals Whip in the Senate) (14:37): Mr President, I ask a supplementary question. Will the minister update the Senate on the steps the government is taking to implement its plans and any efforts to sabotage them?

**Senator ABETZ** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:38): As
promised, within the very first week of the parliament, we introduced legislation to repeal the carbon tax and the mining tax, and we introduced legislation for the Australian Building and Construction Commission and the Registered Organisations Commission. We have got on with the job as promised to the Australian people—and Labor, acting like churls, have opposed every single move, every step of the way. But so manic are they in their opposition—in trying to refuse us the capacity to implement our policy—that they have become so negative they are now moving to ensure that they do not even implement their own policies, as was shown to us this morning in the *The Australian Financial Review* with 'Labor's own backflip leaves $2.3bn budget hole'. They, over there, went to the Australian people and they are repudiating— *(Time expired)*

**Senator McKenzie** (Victoria—Nationals Whip in the Senate) (14:39): Mr President, I ask a further supplementary question. Will the government continue to use every endeavour to implement its clear mandate?

*Opposition senators interjecting—*

**The President:** Order! The minister is entitled to be heard in silence.

**Senator Abetz** (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (14:39): Once you get a mandate from the Australian people you are duty-bound to seek to implement that mandate, and that is what the coalition government is seeking to do by bringing in the legislation we promised we would. But what we would invite the Australian Labor Party to do, given how manically obsessed they are with ensuring we do not get the opportunity to implement our policies is: how about giving us the chance of actually implementing your policies, like the $2.3 billion cut you agreed to in your 'funny money' budgeting before the election? They agreed to $2.3 billion worth of cuts which we adopted and we are seeking to implement. We adopted their policy after the election. They now repudiate their own policy, not only the wish of the Australian people. They are repudiating their own policies. I would invite them to get out of the way and allow us to clean up the mess they left.

**Superannuation**

**Senator Stephens** (New South Wales) (14:40): My question is to the Assistant Treasurer, Senator Sinodinos. Is the minister aware of the census data analysis, undertaken by the Australia Institute, of the electorate-by-electorate impact of the repeal of the low-income superannuation contribution? Can the minister confirm that the four electorates that will suffer most from the abolition of the low-income superannuation contribution are held by the National Party?

**Senator Sinodinos** (New South Wales—Assistant Treasurer) (14:41): I thank the honourable senator for her question. I am aware of the data and what it shows. But the people opposite should ask themselves the question: why did they promise the Australian people a raft of spending—some $16 billion of spending—off the back of the rapidly-receding minerals resource rent tax? Why did they offer that? Why did they con low-income people and the schoolkids of Australia and say that they would get their bonus and their low-income super contribution from the rapidly-receding minerals resource rent tax, which started life as a—

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Senator Moore: Mr President, my point of order is on relevance. The question was related to the issue and the answer so far has been about the mining resources tax—nowhere near the question.

Senator Abetz: Mr President, on a point of order: the honourable senator opposite does not understand where the money was coming from and it just shows how embarrassingly inept this opposition is.

The President: Order! I am going to rule there is no point of order at this stage. The minister still has one minute and 21 seconds remaining to address the question. I will listen closely to the minister's answer.

Senator Sinodinos: There has to be context. There has to be context when you go to the Australian people and say, 'There is this great bounty coming from the mining resource rent tax'. Forty-five billion it was going to raise, then $26.5 billion. To date it has raised a net $400 million and that was going to fund, among other things, a low-income super contribution of over $3 billion. The maths does not add up.

Honourable senators interjecting—

The President: Order! There is a debate going on across the chamber which is disorderly. If those people wish to debate the issue, the time for that is after 3 o'clock. I remind honourable senators on both my left and my right of that.

Senator Sinodinos: This question has a further context. It comes from a party that, in government, increased taxes on superannuation by eight to nine billion. It also pared away the super co-contribution that we as a government had implemented during the Howard government.

The President: Order! On my left. I understand Senator Moore is on her feet but it is very difficult to listen to the answer when people are constantly interjecting.

Senator Moore: My point of order, again, Mr President, is about relevance. Senator Stephens's question was particularly about the location of the electorates where this impact was going to be. So far that question has not been answered.

The President: The question was broader than that. I cannot instruct the minister how to answer the question. I believe the minister is addressing the question and the minister still has 33 seconds remaining.

Senator Sinodinos: Labor was going to be using borrowed money—remember that?—to fund these measures after claiming it would raise the money through the mining tax.

Senator Abetz interjecting—

Senator Sinodinos: The people in those electorates, as my colleague Senator Abetz has reminded us, voted for the coalition and voted for these measures that we are putting forward today.

Honourable senators interjecting—

The President: Order! If people wish to use up question time by calling across the chamber, that is your prerogative, but it is disorderly.

Senator Sinodinos: My colleagues in the National Party are supporting the budget consolidation we are talking about here.
Senator Faulkner: Now you are misleading the Senate.

Senator SINODINOS: No, Senator Faulkner, I am not. (Time expired)

Senator STEPHENS (New South Wales) (14:45): Mr President, I have a supplementary question. Can the minister advise if the members for Cowper, Page, Mallee or Lyne have raised concerns with the minister or any other member of the government of the effects of these Abbott government tax hikes on their electorate?

Opposition senators interjecting—

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:46): I can assure the House that all members on this side are supporting solid policies which will have a particular impact on the superannuation prospects of lower income workers, particularly the great majority of those workers who are women. The government firmly supports superannuation which will be paid on our paid parental leave plan.

Opposition senators interjecting—

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

Senator SINODINOS: Thank you, Mr President. A woman earning the average full-time salary and who has two children will be around $50,000 better off in retirement under our paid parental leave plan because it includes the payment of superannuation. Ours is a fully funded plan, so it will be delivered. Women earning the average full-time salary will be $21,000 better off under the government's paid parental leave plan.

Opposition senators interjecting—

The PRESIDENT: Order! Senator Sinodinos, resume your seat again. You are entitled to be heard in silence. I remind those on my left: it is disorderly to interject.

Honourable senators interjecting—

The PRESIDENT: Order! If people wish to debate the issue, the debate is after three o'clock.

Senator SINODINOS: Under our paid parental leave scheme a woman, or the primary carer, would have an average wage over 26 weeks instead of a minimum wage for 18 weeks. (Time expired)

Senator STEPHENS (New South Wales) (14:48): I have a further supplementary question, Mr President. Is the minister aware that the top 15 electorates that will most suffer under this tax hike are regional electorates? Why is the government targeting the retirement incomes of those in regional Australia, and why are the National Party members not raising this issue with you?

Honourable senators interjecting—

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

Senator SINODINOS (New South Wales—Assistant Treasurer) (14:49): People in all parts of the country—city or country—will benefit from these policies that I have just enunciated. Once the budget is back in the black, we have committed to revisiting superannuation incentives for low-income earners. We will remain by that commitment. In the meantime, if the people opposite are genuinely in favour of reducing the living costs of families, they should be getting on with reducing the carbon tax and getting out of the way of...
other measures which will bring durable increases in the disposable incomes of Australian families.

**Ayers Rock Resort**

**Senator KROGER** (Victoria—Chief Government Whip) (14:50): My question is to the Minister for Indigenous Affairs, Senator Scullion. Can the minister advise the Senate about the benefits that the Ayers Rock Resort is offering Indigenous Australians in terms of opportunities and growth?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:50): I thank Senator Kroger for the question and her continued interest in this particular area. I know that her interest is shared with everyone in the chamber because, in this portfolio, I discuss it with almost everyone in the chamber as they move around their electorates. They report the continuing frustration about the engagement of our First Australians in employment. It is one of the greatest challenges that we face and certainly one of the most important challenges, not only as a government but also as a parliament.

I visited Ayers Rock Resort a week ago, and I have to say for the first time, instead of visiting communities and saying, 'It is moving at a very steady rate and things are going sort of all right,' I was just completely astonished at the difference that people in Ayers Rock Resort have made over the last three years. A couple of years ago, before the purchase of the resort by the Indigenous Land Corporation, there was just a handful of—I think there might have been two—Anangu working at Ayers Rock Resort. When I was there last week, over 220 Aboriginal people had been engaged. This has to be a beacon to parliament that there are mechanisms and ways, and if corporations are determined then we can change. We can change the way of things not at a snail's pace—

*Opposition senators interjecting—*

**Senator SCULLION**: I know all of my colleagues in this place, even the ones interjecting foolishly from the other side, would agree with me.

I have met with people like Michael Cashmere from Northern Queensland—five years without employment. Now he is a trainee in the freight service department. To speak to him about the opportunity and not only the hope that that has provided him but the pride that he is now looking after his own family by sending money home is truly heartening and a real lesson to this place and corporate Australia.

**Senator KROGER** (Victoria—Chief Government Whip) (14:52): Mr President, I ask a supplementary question. Can the minister advise the Senate where the Indigenous employees of the Ayers Rock Resort come from?

**Senator SCULLION** (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:53): There are 37 Anangu that actually come from Mutitjulu. For those who are not familiar with Mutitjulu, it is a place that is particularly disconnected, and it is very difficult for people who have been disconnected for so long to make the single step into Ayers Rock Resort. Many thought that, whilst the 200-odd people from around Australia were fantastic, we simply would not be able to engage people who were simply down the road. But it is absolutely fantastic. We now have an Anangu supervisor, Xavier Kitson. I spent a bit of time with him. He is absolutely delighted that not
only has he got a job—and he is a supervisor working with management—but his two granddaughters have just turned up as trainees.

This is now a process where we have got it right, and we can make sure that there is intergenerational benefit. That is why the government announced that we would be taking an additional $40 million in the Indigenous Employment Program that was taken out by the previous government and replacing that. (Time expired)

Senator KROGER (Victoria—Chief Government Whip) (14:54): Mr President, I ask a further supplementary question. I thank the minister for that response. Can the minister also inform the Senate what corporate Australia can do to ensure the viability of this world-class resort?

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (14:54): There are plenty of things that not only every Australian can do but corporate Australia can do. This is a resort that sits at the spiritual centre of our nation. It is owned by the First Australians and it fundamentally employs our First Australians. It has the most unbelievable facilities in terms of the level of corporate amenity for those sorts of occasions where people want to hold all sorts of corporate events. After two years, it is almost unrecognisable. It has had a complete facelift. It is an absolutely amazing event.

The people I spoke to from corporate Australia who were there were simply saying, 'I don't know why other people don't come here to hold their corporate events in Central Australia, principally because I get to meet Aboriginal Australians from the centre, I get to talk to them about their stories, and I have this most wonderful time at the absolute centre of spiritual Australia.' (Time expired)

Road Infrastructure

Senator XENOPHON (South Australia) (14:55): My question is to Senator Johnston, representing the Minister for Infrastructure and Regional Development. In Adelaide, the South Road project is part of the north-south corridor, an economically productive infrastructure project of national significance. The Torrens-to-Torrens part of that project has had most of its funding, previously committed funding, withdrawn by this government to the extent of $476 million, with only $20 million now allocated. Can the minister explain why the South Road project in Adelaide will now receive only a 50 per cent contribution in Commonwealth funding compared to the Brisbane Gateway and Perth Gateway projects, for instance, where the Commonwealth is making a significantly higher funding contribution of 70 per cent from the federal government and 30 per cent from those states? How is South Australia not being discriminated against in respect of Commonwealth assistance for essential infrastructure projects compared to other states?

Senator JOHNSTON (Western Australia—Minister for Defence) (14:56): I thank the honourable senator for his question and acknowledge his interest in infrastructure in his home state of South Australia. The government has made a significant commitment of $500 million to upgrade South Road—half a billion dollars to that project to which he refers. On 19 October 2013, the Prime Minister announced the Australian government's commitment to complete both the Darlington and the Torrens projects and ultimately the full north-south corridor. We have indicated that the Darlington section at the southern end of South Road is
our highest priority, in accordance with our election commitment. We have asked the South Australian government to develop a comprehensive business case proposal for the Darlington project. The Australian government will provide funding for the business case and expects that work will be underway by the end of this year.

However, the government also recognises the critical importance of the full length of South Road and the need also to upgrade the Torrens Road to River Torrens section. Recognising this, we are also asking South Australia to continue with the planning for the Torrens project using $20 million in Australian government funding that has already been provided. We will work with the state government on ways to ensure that this important project is completed as well and in a very timely way. In addition, the Australian government will work with the South Australian government to develop a plan to ensure that the upgrade of the north-south road corridor is completed within a decade. That is the commitment of this government.

**Senator XENOPHON** (South Australia) (14:58): Mr President, I ask a supplementary question. I ask the minister again: are the funding ratios in South Australia much lower than in other states? If the government is committed to economically productive infrastructure, why has the government slashed support for the Torrens-to-Torrens project, which, based on the nationally accepted benefit-cost benchmark, shows the benefit-cost ratio of 2.4 to one, compared to the Darlington project, which currently has a benefit-cost ratio of 0.66 to one?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (14:58): I reject that premise and contention that the honourable senator has put forward. Prior to the election, the former Labor government promised $448 million. This government has committed $500 million to the project. The government has made an assessment, I am advised, upon the basis of which project can be brought on efficiently, cost effectively and quickly. This is the way this government does its business. Let us get on with the job. We are open for business. We are not going to be hostage to some quaint preference by the South Australian government. We want to see some action. We have put the money on the table. We have paid for the business case model to be developed. We want to see it start.

**Senator XENOPHON** (South Australia) (14:59): I have a further supplementary question. I note the federal government is funding regional road projects—in Queensland, the Bruce Highway project, and in New South Wales, the Pacific Highway project—which are very worthy projects. Can the minister explain why there are no current funding commitments to regional roads in South Australia, given that there are roads such as the Augusta Highway and the Sturt Highway that urgently need safety and capacity improvements and for which good project proposals have been developed?

**Senator JOHNSTON** (Western Australia—Minister for Defence) (14:59): I thank the honourable senator again. I am sure that he will understand that our legacy from the previous government has effectively been not just fiscal wreckage but also managerial and planning mayhem. We are currently engaging in a detailed process for infrastructure programming with all states and territories, including South Australia, and will have more to say on how the planning process and the cost-effective and business-model analysis are going, and, such that we can—as the senator would have us do—have proper, costed, funded, cost-effective and efficient projects starting in regional places in Australia, including South Australia.
Asylum Seekers

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:00): My question is to the Assistant Minister for Immigration and Border Protection, Senator Cash. Can the minister advise the Senate of the current capacity, how many people are currently held and how many people can be further accommodated at the Manus Island detention centre?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:01): I do not have the statistics on me at this present point in time; however, I will obtain a brief and provide them to the senator at the end of question time.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:01): Thank you, Minister. Mr President, I ask a supplementary question. Can you also advise us of the current capacity, how many people are currently held and how many people can be further accommodated at the Blaydin Point detention centre in Darwin?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:01): In relation to the Blaydin Point detention centre I will provide the actual statistics to you. However, in relation to the onshore detention centres, the government takes the position that it will update and look at capacity on an as-needed basis, and at this present point in time we do not need to do that.

Senator WONG (South Australia—Leader of the Opposition in the Senate) (15:02): Mr President, I ask a further supplementary question. In the information she subsequently provides, could the minister also advise the Senate of the current capacity, how many people are currently held and how many people can be further accommodated, at all onshore and offshore detention centres?

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:02): I will take the question on notice and provide the information to the senator.

Department of Human Services: Online Service Delivery

Senator BOYCE (Queensland) (15:02): My question is to the Minister for Human Services, Senator Payne. I refer the minister to the government's provision of online services. Can the minister please explain how the government is improving access to online service delivery on the Redcliffe Peninsula in Queensland?

Senator PAYNE (New South Wales—Minister for Human Services) (15:02): I would like to thank Senator Boyce for the question, particularly about the Redcliffe Peninsula. I know that, as she is a Queenslander senator, she has a particular interest in that area. I am very pleased to say that last week I had the opportunity to officially open a new first for the Department of Human Services, the new Margate Human Services service centre, with the newly elected member for Petrie, Luke Howarth. That centre will enable us to give the residents of the Redcliffe Peninsula unparalleled access to a great suite of digital products. As customers enter a new centre like Margate, we will ensure that they will have their own control over their interactions with the department, whether it is online options, phone self-service, the use of mobile app technology or being part of the myGov system. In fact, the
range of apps from across the department have been downloaded more than 1.3 million times. At Margate, we actually have an app bar for the use of residents and constituents.

As of September, the self-service process accounted for just over 22 per cent of Centrelink's workload, which is an increase of over five per cent on the period in the year before. There is absolutely no doubt that customers are enthusiastically embracing our online services, and of course the Redcliffe constituents also have access to myGov. This is just the first of many digital offices yet to come, as we are able to update and open new offices across the country. They will provide better services for all Australians.

I think the most interesting of my observations on the day was when I was watching some of the older constituents in Mr Howarth's electorate being guided through the process of using the apps and the self-service screens and hearing them say, 'It's just like going to an ATM; I can do this,' and watching them make the most of the digital technology that the department has to offer.

Senator BOYCE (Queensland) (15:04): Mr President, I ask a supplementary question. Could the minister explain whether customers will still have access to personalised service and face-to-face interviews at Margate, which of course is on the peninsula at Redcliffe?

Senator PAYNE (New South Wales—Minister for Human Services) (15:05): This is an important question because there are customers who still find that personal support and face-to-face consultation with staff is more appropriate and more helpful for them. In the Margate service centre, although digital services certainly make life easier for a growing number of customers, we know that there will be some who have business that cannot necessarily be done online, even with the guidance of the staff there. In those instances, face-to-face interviews will remain a very important part of our service delivery at Margate, and there is also a significant facility at Deception Bay. So customers who come from the Redcliffe Peninsula to the Margate service centre who have complex needs or difficult personal problems and would like to engage with an officer, will be able to do that quite readily at the service centre.

Senator BOYCE (Queensland) (15:06): Mr President, I ask a further supplementary question. With online services rapidly becoming a critical part of people's daily lives, can the minister explain how the government is improving access to information, services and payments from a number of agencies within the Human Services portfolio through the myGov service?

Senator PAYNE (New South Wales—Minister for Human Services) (15:06): I thank Senator Boyce for her second supplementary question, because the myGov service is providing a range of very valuable opportunities for Australians to engage online using a single, secure online account with one username and one password. It enables people to receive their mail from not just Centrelink but Medicare, child-support, veterans' affairs, health and the National Disability Insurance Scheme, electronically and efficiently. We are continuing to work with other departments and organisations to enable us to pursue further opportunities to expand the myGov service.

What the service means for Australians who are time poor—so many families are these days—is that they can update their contact information; they can submit documents through a smartphone, an iPad or a similar device; they can lodge Medicare claims; and they can read
their mail—all with a digital device—whenever and wherever it is most convenient for them. I am sure that right across the chamber we have senators with the appropriate device on their— (Time expired)

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

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Education Funding

Senator KIM CARR (Victoria) (15:08): I move:

That the Senate take note of the answer given by the Minister for Human Services (Senator Payne) to a question without notice asked by Senator Carr today relating to schools funding.

The OECD report released today highlights, if ever there was a need to highlight, the importance of why we should have Labor's school reform plans put in place. The report shows beyond a shadow of doubt that equity remains a major issue in Australia, despite what the Minister for Education said only last week:

I don't believe there is an equity problem in Australia.

The report has found that at the very lowest levels of socioeconomic background, students in Tasmania and the Northern Territory score substantially lower than those in other states. Disadvantaged students in Tasmania and the Northern Territory are some 1½ years behind their peers in other parts of Australia.

Overall, Australian students from the lower socioeconomic groups are about 2½ years behind those from wealthier backgrounds. Indigenous students are some 2½ years behind non-Indigenous students. Students in remote schools are almost two years behind students in metropolitan schools. Students in the independent school sector achieve results significantly higher than students in the Catholic or government school sectors. Students in the Catholic school sector score significantly higher than students in government schools.

The report said one of the most important indicators of equity is the strength of relationship between the social background of students and their educational achievements, despite what the minister said today. The report goes on to say:

If the relationship is strong, the education system is not acting to produce more equitable outcomes, but is instead reinforcing educational privilege where it exists by conferring higher scores and denying the potential to achieve where privilege does not already exist.

That is a fundamental concern of the Australian education system. The Gonski panel's review of Australian schooling, the most comprehensive study of Australian schooling for the better part of a generation, found that the school-funding policies pursued in the Howard era, the socioeconomic status model, was inefficient and unfair. It found the policy led to outcomes that disadvantaged poorer students and, perversely, increased funding for the wealthiest schools by between 50 and 90 per cent. It also found that 1,075 private schools had their funding preserved, whereas 60 per cent of the non-government and Catholic schools were outside the socioeconomic status model.

This is the model that the government champion. Whatever weasel words they use, this is the model—the John Howard model—they now seek to champion. It is a model that has failed. Government schools in this country enrol 80 per cent of students from lower
socioeconomic groups, 85 per cent of Indigenous students and 78 per cent of students with disabilities. In 2009, only 56 per cent of students from low socioeconomic backgrounds finished year 12, compared to 75 per cent of children from higher socioeconomic backgrounds. The Howard-era policies, which were highlighted in the OECD report today, are about perpetuating inequalities. That model of funding is about building privilege, rewarding those who are already well off and ensuring that the divisions in Australian society are enhanced and not reduced.

We need a funding model that ensures that money goes to people who are most in need. Essentially, the Labor model was about making sure we had significant reform and real equity in Australian education. That is exactly what Labor's model gave. That is why the government's abandonment of its pre-election promise is heinous. It is a commitment to reinforce privilege. It is about making sure that the wealthy and powerful continue their dominance of our society. The Gonski model was about ensuring that we had loadings for people with disabilities, Indigenous students, those in small or remote schools, those who came from disadvantaged households and those who had limited English. Those are the people who need most support. Under the Labor model, that is what they got, but that is not what they will get from this government because this government has abandoned its commitment to fairness, justice and equity. This government has abandoned its commitment to the Australian people.

Senator BERNARDI (South Australia) (15:14): You can tell that Senator Carr's heart is not in this portfolio area. You can tell he is not prepared to do the hard work and heavy lifting, because he asks questions during question time which have been pre-prepared. He asks supplementary questions which have already been addressed by the minister. Then he takes notes of answers with a pre-written speech which he reads verbatim. It is an extraordinary display of hubris, arrogance and outright laziness from a very sloppy opposition shadow minister.

The shadow minister said that he believes there is not equity. I would suggest to him and those on the other side of the chamber that equity is having good outcomes. It is not about throwing good money after bad; it is about delivering outcomes. That is something that those on that side of the chamber have been abject failures at. Senator Carr suggests that the money should go where it is needed. Let me suggest to Senator Carr that the money is needed for Queensland students, who those on the other side of the chamber neglected to fund. The Labor Party were going to rip $1.2 billion out of education funding under some guise of a national agreement which was not national at all. I ask: what do they have against the people of Queensland? Are they so embittered by their experience of the former Prime Minister from Queensland, Mr Kevin Rudd, that they do not want to support the Queensland people who elected him? It is a shameful indictment, and the embarrassment is written across all of their faces.

Senator Bilyk interjecting—

Senator BERNARDI: They are not vigorously defending the Rudd legacy, let me tell you that. Let us have a look at Mr Rudd's and Ms Gillard's legacy—the legacy left behind by those on the other side. Labor's performance in education can simply be described as a dismal failure. The PISA results—as the shadow minister asked about and as the minister articulated—indicate just how great their failure has been. In maths we have dropped from
15th to 19th on the PISA table; in reading we have dropped from ninth to 14th; and in science we have dropped from 10th to 16th. It is a shameful indictment on their lack of ability to deliver outcomes.

The left of the political spectrum has this belief that borrowing more money and throwing it at a problem without actually applying it in a disciplined and meaningful way is somehow going to give you a different result. It does not. Doing the same thing and expecting a different result is the definition of insanity. The PISA report found that teacher quality is absolutely important and is integral to delivering outcomes to students. Your problem is that you are not interested in the outcomes. You are more interested in 'the art of seeming' than the art of actually delivering. That is what the fundamental rejection by the Australian people of Labor's brand of politics has been about. You were all spin and no substance. You know that, Senator Furner; I can sense it. And that is why education in this country is in the state that it is in now.

What I find extraordinary is that shadow ministers cannot come in here and debate the substance, in a meaningful way, of the topic of the questions they have asked in their portfolio areas. They have to have a prewritten, pre-typed speech to deliver—with all the passion of an undertaker, I would suggest. It is an extraordinary indictment and a suggestion—

Senator Bilyk: Arthur Sinodinos could not give a straight answer to the question. What does that say about Arthur?

Senator BERNARDI: I note the interjections from someone who should not be giving us lectures about delivering outcomes and things. In fact, it has always been my policy and my belief that it is better to remain silent and only be thought a fool, than to speak and remove all doubt. That is what I would suggest to you.

Teacher quality is critically important. Teacher quality is absolutely critical. The Australian school system needs better teachers. We know that. It needs a consistent approach, and that is exactly what the coalition is intent on delivering. We are re-applying $1.2 billion that Mr Shorten ripped out of education funding. We are making sure that school students in those areas which were neglected by the Labor Party are being adequately funded so that their education can deliver better and more meaningful outcomes for all of us. (Time expired)

Senator GALLACHER (South Australia) (15:19): I want to set the record straight on funding. Both the minister, Senator Payne, and Senator Bernardi have said that Labor's task of adding a few dollars to the system has not actually worked. I would like to draw the Senate's attention to a Grattan Institute analysis, which basically says that over a decade from 2002-03 to 2012-13 all governments have put in more dollars in real terms. In fact, funding has grown by about 37 per cent. In this environment where we are being tagged with, 'An international study has given us a bad result; you put too much money in.' We ought to take this a whole lot more seriously. The inequity question is there. As the aspiring minister for common sense, Senator Bernardi, said, it is all about teacher quality.

How do you get teachers of quality to commit to places of disadvantage? I have had the fortunate experience of visiting a number of outback schools and have met some wonderful principals in places that are fairly remote. One of the things they always say is, 'Retention of good teachers is our core problem.' The other thing they say is, 'Not having enough teachers to spend time on the students who are disadvantaged is our next major problem.'
Flinders View Primary School in Port Augusta West has a brilliant principal—an absolutely committed star principal of great quality. The school services an area of the least advantaged people in that community. The school used its funding under the BER to get an early childhood centre built because the school figured that if it did not get those kids into the school system earlier, there was very little hope of them achieving higher results than their parents in primary school at the very least.

So we do need to look at the equity issue. To say it is not just a matter of money is absolutely misleading. We do need the resources in the right places to conquer, as Senator Carr said, the inequality that is in the system. In the Anangu Pitjantjatjara Yankunytjatjara Lands, people do not even come to school with English as their first language, so you cannot just say we simply need teachers of quality. We need special resources. We need dedicated programs to engage these people who, as I have said, come from the least advantaged families and communities in Australia.

Mr Pyne's 'whatever it takes; it doesn't matter; it's only the place you get to at the end' is really upsetting to a whole cohort of people in education, whether it be principals or parents on representative councils. It does matter. You need a clear, cogent plan for what you are going to do to fix the inequity in the system identified by the Gonski review and, most importantly, to advance the educational standards that our country needs to take us higher up the international ranking system.

You cannot have the shambolic performance of: 'It's gone. It's in. It's out. I'll change my mind. I've got an envelope. We won't change the amount that is in the envelope but we're not going to tell you where it's going.' There are lots of people who want to know that in providing for the most disadvantaged schools in our community and those disadvantaged communities they are going to be treated equitably and fairly.

We would like to know that funds are going to be made available for those areas and, importantly, for those students and school communities. I think they deserve to have the comfort that they may or may not have taken from the election commitment: 'We're at one with Labor. There's not a skerrick of difference between us. The funding is there. We will deliver on education.' Well, let's do it.

Senator RUSTON (South Australia) (15:24): We seem to be having an argument about equity, and I note that Senator Carr seems to think that the solution is to just give more money and it will make everything okay. I think, Senator Carr, the answer to that is: more money does not deliver equity. We have to remember that equity is not just about equity in inputs; it is about equity in outcomes. So we need to look at the outcomes that we are trying to achieve and, if we can get equity in those outcomes, then we should stop worrying about how much we are putting in and make sure that everybody has an equal chance of a good education.

I note, once again, that this argument is about money—and we have talked about the Program for International Student Assessment that was recently released, and it is the subject of the question we are supposed to be taking note of today. The assessment produced some extraordinary results suggesting that Australia's education standards have been slipping significantly. I note that these are the worst results that Australia has ever had since this particular test has been in place to measure student outcomes. I would suggest that adding money is not going to deliver better standards.
What will deliver better standards is to make sure that the teaching children receive is exceptionally good. If we can get high quality and equity in teaching standards, we will go a long way towards achieving equity in the outcomes that we are seeking, rather than throwing a whole heap of money at the problem and not worrying too much about where it goes. I truly believe the premise to better education is to better teaching standards. We have to work out the best way to achieve that. Without doubt the people that are at the grassroots, at the coalface, the ones delivering education, the parents, the students and the communities where they live, are in a far better position to determine what is in the best interests of their particular community, school and class of students than we are, standing here in Canberra.

If we want to start looking at the issue of equity, then we also have to recognise that every school will have something different, something special. A school in remote Australia is not going to have the same conditions, circumstances and methods as a school in a CBD. As has been rightly pointed out by both sides of this chamber, people in different circumstances will be in different socioeconomic groups because of the location of schools, whether they be in cities, rural and remote areas. So we have to accept the fact that centralised control from Canberra is not in the best interests of delivering equity outcomes for our students. For us to be standing here and suggesting that the Commonwealth and the people in this place know better and know best about what is right for students living in outback New South Wales, Darwin, the Riverland, the area that I come from, or Western Australia is the height of conceit and arrogance.

If we are talking about equity in outcomes, we have to give all jurisdictions and states the same access to achieving these outcomes. Denying three jurisdictions—Western Australia, the Northern Territory and Queensland—access to the funding to achieve some of these outcomes does not strike me as even trying to achieve equity. In fact it flies in the face of equity, and the $1.2 billion that was removed from the budget that would have otherwise gone to these states absolutely underlines the fact that equity cannot be delivered if you exclude some groups from getting access to the things they need.

In the report that was handed down from PISA in the recent past, it was obvious that money does not deliver equity; in fact, all of the evidence shows that better outcomes are achieved by lifting the quality of teaching, ensuring we have a robust curriculum, expanding principal autonomy and encouraging more parental engagement. (Time expired)

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (15:29): Senator Payne, Senator Bernardi and Senator Ruston all said that three states did not receive extra funding. There is a reason they did not receive that extra funding: those states chose to use those students as political pawns, and refused to sign up for it. They refused to sign up to hundreds of millions of dollars of funding, simply to score a cheap political point against the previous Labor government. Let's not forget that. The Liberal Party and the National Party of those states and federally were happy to use those children. I think it is absolutely atrocious that they would risk money for education and use children as political playthings; to put their education and future outcomes at risk for their own selfish ends.

I have to say that the first few weeks of a new government are always really interesting. You can usually tell in those first few weeks a lot about how the government is going to perform. It is quite sad to see that there has been a continuing pattern of quite bad behaviour that has become apparent with the new government—not least of which is that of Minister
Pyne, who had to be saved from making even more faux pas than he had already made by the Prime Minister, Mr Abbott, who had to jump in and save him.

The debacle around education in the past few weeks has been atrocious. Minister Pyne has had more positions than my daughter's ballet classes had. It is absolutely atrocious. It is just atrocious that the Prime Minister and the education minister are blaming the people of Australia and blaming the media for what has been going on.

Senator Abetz interjecting—

Senator BILYK: I did not hear that, Senator Abetz, but I think you should be taking this issue quite seriously for the people in Tasmania. I do not think they would be that impressed—possibly; I don't know what you said, and I am not that interested.

I will be challenging you to come with me to some of those schools in Tasmania whose funding you took away and tell those kids why you are putting their future at risk. If you want to have good teacher outcomes, you put money into education.

The Gonski reform was an amazing report. But of course not many people can find out about it, if they have not already read it. It is a bit hard to find. It has gone. It has been expunged. It has been taken away. The website is not there any longer. Let me talk a little bit especially to those students up in the gallery who might be really interested in what their future education could have been like under a Labor government. The Labor government was prepared to ensure that every school in Australia would receive consistent funding per student. They were prepared to have additional loadings that would apply to provide extra resources for disadvantaged students—for example, any student that might have poor English proficiency or students with a disability or students with learning difficulties, Indigenous students or students from disadvantaged backgrounds or students from small regional or remote schools. We had the process. We had the review that had 7,000 submissions to it. They are all gone from the website; you cannot see them anymore. Thirty-nine schools were visited through the Gonski review and 71 education groups were consulted with. All that work has been wiped, just because those opposite do not want to implement anything and give the previous Labor government credit for anything they did.

In case any of the students or the teachers up in the gallery are interested in the Gonski review, there is one place I found that you can still find it. Thanks to the Australian Primary Principals Association website, you can go on and have a look at the Gonski review. I would recommend that all teachers have a look at it, if they have not already. I am presuming that most teachers in Australia have looked at it. But it is also great for the children to know what those opposite intend to do about their education.

I do not think those opposite really understand the importance of education. They do not understand that it is the single most determining factor in improving life outcomes for people. Education funding, therefore, should be based on need, to ensure that all Australians have an equality of opportunity, to give everyone a fair go. If you want to help teachers, you can help teachers by ensuring that that funding is needs based—(Time expired)

Question agreed to.

Asylum Seekers

Senator HANSON-YOUNG (South Australia) (15:34): I move:
That the Senate take note of the answer given by the Assistant Minister for Immigration and Border Protection (Senator Cash) to a question without notice asked by Senator Hanson-Young today relating to protection visas.

It was made as clear as day during the minister's press conference earlier this afternoon that there is no limit to how cruel, how mean-spirited and how heartless this government is prepared to be when it comes to treating refugees properly, with decency and respect. We know of course that the whole idea of temporary protection visas was only to punish people who had already arrived here in Australia. That is one of the key reasons the Senate agreed to disallow the use of temporary protection visas. Yet, with such chest-thumping, with such arrogance, we now see Mr Morrison, Tony Abbott and the government throwing the biggest hissy fit of the week. We saw backflips around education on Monday. We now see the hissy fit of the week, which is all because the government has not got their way in the Senate.

They wanted to be able to punish people for punishment's sake. They have not got that so now they are going to thumb their nose not just at the Australian people but at the parliament. This is a government that has absolute disrespect for the parliament. They do not answer questions properly in question time; they hold information back; they have a secret strategy when it comes to their 'operation secret boats'. And now they are not even prepared to accept the will of the parliament and they are finding a way to circumvent the decision that this place made earlier this week. The freezing of visas of refugees who have been assessed and found to be in genuine need of protection is one of the most abhorrent, impractical and cruel things this government could do.

I refer the chamber to a comment made by former Liberal Prime Minister Malcolm Fraser. I wonder whether the government of the day, whether it is this minister in this house or the minister in the other place, have ever actually contemplated what former Prime Minister Malcolm Fraser said when he asserted that Australia 'would have to be as brutal as the Taliban for deterrence policies to work'. It is a very good question. How brutal is this government prepared to be? How many children are now going to be detained indefinitely, for longer than they ever should have been, because of the nasty decision to freeze their visas? It was only 12 months ago when we heard the immigration minister, back then in opposition, and the rest of his front bench complaining and raising concerns in relation to the former government's freezing of refugee applications. That was a bad idea then; that is a terrible idea now. It does not act as a deterrent. It is only cruelty for cruelty's sake.

The other aspect of the question I put to the minister was about what legal advice the government has on this cruel, heartless, impractical decision to simply freeze everybody's visas, despite the fact that the majority of them are found to be refugees, many are already living in the community, and they are desperate to start putting their lives back together and to start providing for their families. We do not even know whether this is going to stack up against any legal challenge. Remember when the last Prime Minister made a rash decision to strip away people's rights? Former Prime Minister Gillard wanted to ship everybody off to Malaysia, which of course was in absolute contradiction to the obligations that we hold under the Migration Act. We still do not know whether it is actually within the law, what Mr Morrison has announced today. (Time expired)

Question agreed to.
DOCS

Order for the Production of Documents

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:40): I table documents relating to the order for the production of documents concerning border protection.

QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

Asylum Seekers

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:40): I table information in relation to questions asked of me by Senator Wong in question time today.

DOCS

Order for the Production of Documents

Senator HANSON-YOUNG (South Australia) (15:40): I seek leave to take note of the documents tabled by Senator Cash in relation to an order for the production of documents concerning border protection that was passed by the Senate yesterday.

Leave not granted.

Suspension of Standing Orders

Senator HANSON-YOUNG (South Australia) (15:40): Pursuant to contingent notice, I move:

That so much of standing orders be suspended as would prevent Senator Hanson-Young moving a motion to take note of documents tabled by Senator Cash in relation to an order for the production of documents concerning border protection.

What a pathetic display we have just seen. Not only do they not even respond to the order for the production of documents as required twice now by this place; they then want to shut down all discussion in relation to it. This is a government absolutely obsessed with secrecy and spying and covering up, with not letting anyone in the public know what is really going on. Of course, all we need to do these days is read the front page of the Jakarta Post to find out what a screaming success this government's border protection policy 'operation secret boats' has really become. This government is obsessed with secrecy.

We know that the minister has not been able to answer the questions and put forward the documents that this place has asked for. The Australian people have a right to know how many boats have been turned back on our high seas and how many times Australia's brave personnel—our Customs personnel, our Navy personnel—have been put at risk because of this government's reckless 'turning back the boats' policy. Why is it that a boat can arrive in Darwin Harbour and we hear nothing from our government about how long that boat was there, who was on board and exactly what the government is going to do about it? How did we find out about that boat? It was because the people of Darwin could see it with their eyes—it was there, in plain sight. The government like to pretend that if they do not say something, if they do not tell people the truth, perhaps the incidents never actually occurred.
We know why the government does not want to be upfront with the Australian people or, indeed, with the parliament about these issues. It is because they know their policy is a sham, that 'operation secret boats' is nothing more than a media strategy. There is no information about what is going on in terms of boat arrivals. We know boats are not being successfully turned back. We know boats are not being bought from Indonesia because the Indonesians would not have it. Despite the Minister for Immigration and Border Protection being asked about that in the chamber, in the other place, only two hours after saying he could not answer because it was an operational matter we then had the chief of this entire military led response, the lieutenant-general—because isn't it good to send out the military when you are dealing with poor refugees on rickety wooden boats—saying, 'No, we haven't bought any boats because Indonesia doesn't want us to.' This is the pathetic nature of this government in relation to being upfront with the Australian people and respectful of the parliament's right to scrutinise government policy.

I know that the reason this minister does not want to talk about these things is because, deep down inside, they are ashamed at their policies. They know they are hurting people. You cannot sit by anymore and pretend that the detention of children is not harmful, that temporary protection visas are not inhuman. You cannot pretend that being cruel and selfish is going to make refugees who are fleeing war and persecution any safer.

We know the facts. We have been here before. Under John Howard's government, people were consistently held in wrongful detention. Children's lives were destroyed. And here we have it happening all over again, and yet we have a government so desperate to cover up, so desperate not to tell the Australian people what is going on, that they prefer just to use the military and the word 'operational' to hide behind. This minister has to take responsibility for this policy and stop palming it off to the brave men and women in our armed forces, who should be left to do their jobs with dignity and with respect because they know that turning back boats on the high seas is not just unsafe, dangerous and risky; it is also in breach of Australia's obligations when it comes to the laws of the sea.

This government's policy is a total sham. The only reason this minister does not want us talking about this today is that the government is scared as hell that the truth is going to get out. *(Time expired)*

**Senator CASH** (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (15:46): In relation to the order to produce documents, this government has complied with the order. We have provided a substantial amount of information in relation to the resolution that was passed by the Senate. If I could assist the Senate in understanding, the government also tabled additional information in relation to the material that had already been tabled. I also advise that, in the original documents we tabled, the government offered to provide the opposition and the Australian Greens senators and members with a confidential briefing delivered by Lieutenant General Angus Campbell, commander of Operation Sovereign Borders. To date, the opposition has taken up our offer and the shadow minister has received a confidential briefing from Lieutenant General Campbell. I advise the Senate, however, that no member of the Australian Greens has accepted the offer of a confidential briefing, despite the offer remaining open.
The government, as I said, has complied with the order for production of documents. In relation to the other documents for which the order calls, the government has clearly articulated in considerable detail the reasons as to why we do not believe it is in the public interest for these documents to be tabled. I note that Senator Carr will probably be speaking after me. For Senator Carr’s benefit, I just remind him that his party, when they were in government, failed to comply with orders for the production of documents—not partly complied but failed to comply—on over 75 occasions.

Senator KIM CARR (Victoria) (15:48): In speaking to support the motion to suspend standing orders, I make an observation to the Assistant Minister for Immigration and Border Protection that it is an incredibly rare event to deny leave to a senator to take note of a minister’s statement. It is an extraordinary trend to be initiating. This government has sought to not even really make a statement—this is the irony of the situation. What the minister did was she effectively tabled a document—although I am not even certain she did that. A document was circulated to some people concerning the decision of the Senate to ask for a return to order. Let me get the sequence of events here straight. The minister circulates a document to some senators, does not actually make a statement, does not table the statement and then the minister at the table chooses to deny another senator leave to even note the event. I think I have got the sequence of events correct.

Bear in mind that I was not aware that this was going to come on at this time and I have had to rush from my office to try and make head or tail of this, but that is essentially how I understand the circumstances of this question. When I look at the document, it is a most extraordinary document indeed, because it is a document that claims public interest immunity from answering questions for this government. That is equally an unusual event and a serious event. If the government is to claim public interest immunity, the standard practice is to explain why, not just to sneak around with a document, float it about and then run off.

What we are detecting here is a pattern of deceit that has emerged since this government was elected. This was a government that, in opposition, chose to go on every news program it could find, on every day of the week, and explain what it thought was happening on the high seas. There was not a moment when a shadow minister or an opposition spokesman would not feel the need to explain what was going on, in their opinion, on the high seas. But, upon coming to office, it now becomes a question of executive secrecy. So we went from a situation where everyone had to know, every minute of the day, about the movement of people seeking refuge in this country to a point where no-one in this country is to know. We have a circumstance where, at estimates, the government hides behind a military uniform and seeks to avoid responsibility by suggesting that no questions will be answered until a Friday briefing. You go to a Friday briefing and journalists find: ‘We can’t answer that. You’ll have to wait till next Friday.’ It is a most extraordinary set of arrangements, whereby a government seeks to hide behind the military and do exactly the opposite to what they did just three months ago.

Not once when we were in government—I asked this direct question at estimates—was the advice tendered by the officials that providing information to the public about people seeking refuge in this country was aiding and abetting people smugglers. That is the claim: if you ask questions, you are treacherous to Australia because you are aiding and abetting people smugglers. Basic, standard information that this parliament has had a right to expect and has
received for many years now becomes a matter of high public policy and defence security. So what we are talking about here is not about public interest immunity, it is about whether the government thinks that the confidence of the Australian public will undermine the integrity of Australia's migration program. For political reasons, not security reasons, the government is hiding behind a claim of public interest immunity. I think it is appropriate that the Senate does suspend standing orders to allow the minister to give a proper explanation of what this scurrilous document is really all about. The minister should make an effort to answer simple questions put by the Senate and stop treating the Senate with such contempt.

Senator DI NATALE (Victoria) (15:53): I have been reading Enid Blyton's *Magic Faraway Tree* to my little boy recently. He really likes the Land of Topsy-Turvy. This land is a place where people walk on their hands, they wear hats on their feet—it is a place where everything is upside down. There is also the poem *Topsy-Turvy Land* by HG Wilkinson:

The people walk upon their heads,
The sea is made of sand,
The children go to school by night,

In Topsy-Turvy Land.

I think we have entered some kind of bizarre political version of topsy-turvy land, because in this topsy-turvy land transparent, open and accountable government means that you keep billboards with the tally of boat arrivals when you are in opposition and then you refuse to disclose any details about boat arrivals when you are a government, even when you are ordered by the Senate to do so. In this bizarre version of topsy-turvy land honest government means making a clear commitment about school funding when you are in opposition in the middle of an election campaign, and when that is over you go back on your word. In this version of topsy-turvy land clear, calm and methodical government means you convene late-night crisis meetings to make sure you can try and clean up the mess that is the fallout from your broken election promises.

In this version of topsy-turvy land your response to a budget emergency is to cut revenues like those provided by the mining tax and the fringe benefits tax on novated car leases. In this version of topsy-turvy land government debt is such a bad thing that one of the first things you try and do is raise the debt ceiling by $200 billion. In topsy-turvy land you show your commitment to science by cutting funding to CSIRO and by not appointing a science minister. In this land you campaign with your daughters to show your strong commitment to women and then you appoint one woman to your cabinet. In political topsy-turvy land you show your commitment to the free market by scrapping a market mechanism to tackle climate change and then you start writing cheques to big polluters. You show your commitment to the free market by floating the idea of nationalising Qantas and continuing big subsidies to the fossil fuel industry.

In this version of political topsy-turvy land you are so concerned about people drowning at sea that you force our Navy to engage in risky operations that put their lives at risk. You spend years politicising climate change and then you accuse others of political opportunism when they point out the bleeding obvious, that extreme weather events will get worse if we do not act. In political topsy-turvy land you are so committed to small government, to reducing the influence of state power, that you refuse to allow gay couples to marry. And in this political version of topsy-turvy land being a good Christian means locking up young kids
indefinitely in offshore prisons and it means denying a woman and her newborn access to decent medical care.

Some people would use other, less kind, words to describe the behaviour of this government in its first few months, particularly when it comes to the issue of refugees and asylum seekers. They would call them hypocrites, they would call them secretive, they would call them cowardly. Whatever language you want to use, we have entered some sort of bizarre political twilight zone where people walk on their hands and wear hats on their feet.

Senator LUDWIG (Queensland) (15:57): What we have now witnessed is an extraordinary abuse of process within the Senate. We have a minister who has refused a return to order but, more importantly, has continued to ensure that the information that the Senate has requested will not be provided in any shape or form. That is what this minister has effectively told the Senate. When you go to the requirements, it is about fundamentally the accountability of a minister within this house. Without accountability in this house, what we have is a minister who can do anything, hide anything, and ensure that information is not made available to the Senate.

Senator Cash: Like your decision to stop the protein supply to Indonesia.

Senator LUDWIG: Senator Cash can smile and joke about this but this is a very serious matter and I encourage the minister to take this more seriously than she is now taking it. If you look at the claims that can be made under public interest immunity, it is not about ensuring that the government of the day can hide behind a claim of public interest immunity but about their having to put up the claim and not undermine the Senate's accountability mechanisms. The accountability provision, public interest immunity, specifically says that a statement that information or a document is not published or is confidential or consists of advice to or internal deliberations of government, in the absence of specification of the harm to the public interest that could result from disclosure of the information or document is not—I underline not—a statement that meets the requirements of paragraphs 1 to 4 of section 8 under the standing orders. What we have is a document which claims public interest immunity but does not specify in any way, shape or form the harm that might come from the release. It is like the sails that Senator Cash waves about while saying, 'Look at this; this the harm.' You have to actually specify the harm with some degree of specificity to say why that information should not and cannot be provided. There are certainly grounds where that can be made out. There are also alternative grounds where committees can take in camera evidence and the like.

Ultimately, it is about ensuring that the ultimate place for accountability rests in this chamber and not in the bowels of government or in ensuring that you can drive a political argument by hiding behind a public interest immunity claim. In the claim, you have to specify the nature of the harm. In your reasons you have talked more broadly and, in part, fulsomely about great harms but not the special harm or specific harm that could result from the release of certain information that the government has in its possession.

It is a shame on you, Senator Cash, that you will not comply with the order and that you feel that you have to go that far from government to provide a document that claims public interest immunity, which is in fact not a document that actually substantiates a claim for public interest immunity. What it does is to continue the broad argument that you are a government of secrecy and that you are going to use the political weapon of secrecy to ensure
that information cannot get out. It is the same as what the previous Howard government did with oil for food when it ordered public servants not to talk about matters. Again, when you go back to the period of kids overboard, we had to spend a considerable amount of time on this side finding out the true details of what went on. To date, you are putting yourself in the same shoes as that government. You are continuing the secrecy— (Time expired)

Senator CAMERON (New South Wales) (16:02): I rise in support of the suspension. This is a government that has only been in power for a short time, but it has clearly established its modus operandi for the future. That is, one fundamentally based on secrecy and fundamentally based on holding back from the Senate, the House of Representatives, the parliament in general and the public any issue that they deem is not appropriate for the public to know about.

To do what Senator Cash did here today—simply stand up and claim public interest immunity without giving any reasons under the standing orders for why she did that—is unacceptable. Senator Cash has an obligation to outline why she is claiming public interest immunity, why she is behaving in a manner that is about secrecy and why this government is continuing to use secrecy as the basis for their operation in this parliament.

It is quite clear from what some of the media are saying that they are onto this government. James Massola maintains that the new coalition government has established an early and unwelcome habit of shutting down debates it does not want to have. On the muzzling of ministers from speaking spontaneously to the media by the PM's office, Michelle Grattan observed that it was the ultimate 'get stuffed'. Annabel Crabb asked: If a boat is turned around, and nobody is told about, it did it happen at all?

The doyen of the press gallery, Laurie Oakes, has been particularly scathing of the abrasive and arrogant tone of immigration minister Scott Morrison towards the media when he is pressed for details on asylum seekers. Mark Kenny said:

It is jarring to see how quickly the public's reasonable expectations of probity in its political representatives has been superseded by the reflex to secrecy and self-protection in the new political class.

I go back to the issue of secrecy and why secrecy is there. Annabel Crabb said: If a boat is turned around, and nobody is told about, it did it happen at all?

I say to Annabel Crabb: all you have to do is go back to the evidence in estimates from the Maritime Authority, who basically said that people smugglers who have access to sophisticated radios know exactly what is happening. So dragging the defence department and the military into this cover-up and secrecy is an abomination of the democratic processes in this parliament and in this country. To hide behind a military uniform, on the basis that you are not going to tell people what is happening on the basis of secrecy and operational procedures, is an absolute nonsense.

The Maritime Authority told estimates that when a boat is in trouble they put out a general call to all seafarers saying that there is a problem, that that boat should be rescued and that, under their international obligations, they should rescue that boat. I asked the question, 'When that notice goes out, does that then mean that the position of the boats and the fact that there is a problem become public?' Their answer to me was. 'Yes, it does'. Provided you have a radio and provided you can tune in and pick it up, you know exactly what is happening. So it is an
absolute nonsense for the coalition to be running this argument that you need to close down information to the public, to the press and to the parliament. That is the modus operandi of this coalition. It is about secrecy. It is about arrogance. It is about saying, ‘We know better than everyone else and we are not going to give any information to the parliament to let them make decisions on our behaviour.’ Well, the public are onto the coalition. The press are onto the coalition. You have had a very bad start. Secrecy is no excuse. (Time expired)

Senator WONG (South Australia—Leader of the Opposition in the Senate) (16:07): I want to briefly make a couple of comments on this motion. I have obviously arrived in the chamber in the middle of a very interesting debate but, as I understand it, we are having a suspension of standing orders debate because the government refused to allow Senator Hanson-Young leave to make a short statement in relation to the minister's response to the return to order. I would say to the government: I recall that as a minister I—and other ministers in the government, when we were on that side—allowed such statements to be made by leave quite regularly. I admit I probably allowed two or three minutes, to make sure people were limited, but it is part of the give and take of how you manage the chamber. As a result of the government's refusal to debate the issue, we have now had a lengthy amount of time spent on a suspension of standing orders debate simply to allow the senator a reasonable opportunity to make some statements in relation to this. On that basis, as Senator Carr has indicated, the opposition will be supporting this suspension. I would encourage the government to consider, perhaps, having a little bit more courtesy in how it deals with other senators in this chamber, just as governments of both persuasions have had to deal with senators across the political divide on many occasions.

Senator XENOPHON (South Australia) (16:09): If I may make a very brief contribution: I will support the suspension of standing orders, but I want to put that in context. It is quite reasonable that there be a suspension of standing orders in order to debate the documents tabled by the minister. I do note, however, that this relates to a series of events with respect to the order of production of documents sought by the Greens and supported by the opposition in relation to project sovereign borders—I lose track of what it is called—

Senator Hanson-Young: Secret boats!

Senator XENOPHON: Secret boats, Senator Hanson-Young wants to call it; I am not quite sure if it is called that. But notwithstanding that, I did not support the Greens and the opposition with respect to those motions, and neither did Senator Madigan, because I had some genuine concerns about the operational aspects of that. However, this motion by Senator Hanson-Young is quite a reasonable one because it relates to debating the response of the government, and in those circumstances there ought to be a suspension of standing orders.

The PRESIDENT: The question is that the motion to suspend standing orders moved by Senator Hanson-Young be agreed to.

Question agreed to.

BUSINESS

Rearrangement

Senator HANSON-YOUNG (South Australia) (16:10): I move:

That a motion relating to a document tabled by a minister in response to an order of the Senate be moved immediately and have precedence over all other business today until determined.
The PRESIDENT: The question is that the motion moved by Senator Hanson-Young be agreed to.

The Senate divided. [16:15]

(The President—Senator Hogg)

Ayes ...................... 35
Noes ...................... 26
Majority ................ 9

AYES

Bilyk, CL (teller)  Cameron, DN
Carr, KJ  Collins, JMA
Conroy, SM  Dastyari, s
Di Natale, R  Faulkner, J
Furner, ML  Gallacher, AM
Hanson-Young, SC  Hogg, JJ
Lines, S  Ludlam, S
Ludwig, JW  Lundy, KA
Madigan, JJ  McEwen, A
McLucas, J  Milne, C
Moore, CM  O’Neill, DM
Peris, N  Pratt, LC
Rhiannon, L  Siewert, R
Singh, LM  Stephens, U
Sterle, G  Tillem, M
Urquhart, AE  Waters, LJ
Whish-Wilson, PS  Wright, PL
Xenophon, N

NOES

Bernardi, C  Birmingham, SJ
Boswell, RLD  Boyce, SK
Brandis, GH  Bushby, DC
Cash, MC  Colbeck, R
Edwards, S  Eggleston, A
Fawcett, DJ  Fierravanti-Wells, C
Fifield, MP  Heffernan, W
Kroger, H (teller)  Macdonald, ID
Mason, B  Nash, F
Parry, S  Payne, MA
Ruston, A  Ryan, SM
Scullion, NG  Seselja, Z
Sinodinos, A  Smith, D

PAIRS

Brown, CL  Williams, JR
Farrell, D  Abetz, E
Marshall, GM  Ronaldson, M
Polley, H  Johnston, D
Thorp, LE  McKenzie, B
Wong, P  Back, CJ

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

Question agreed to.

**DOCUMENTS**

**Asylum Seekers**

**Order for the Production of Documents**

Senator HANSON-YOUNG (South Australia) (16:17): I move:

That the Senate take note of the document.

I thank the Senate for allowing me the opportunity to speak in response to this document as tabled by Senator Cash today. This issue is becoming a very concerning trend under this government: the idea that information that in the past has been freely available not just to the parliament but also to the public, to know what is going on with the immigration policies of the government of the day—

The DEPUTY PRESIDENT: Order! Could senators who are not participating in the debate please move out quietly. Just one moment, Senator Hanson-Young, as we allow senators to move. Thank you, you have the call.

Senator HANSON-YOUNG: Thank you, Mr Deputy President. The concerns are that this government is wanting to keep very important information secret from the Australian people.

The DEPUTY PRESIDENT: Those senators seem to be around you, Senator Hanson-Young.

Senator HANSON-YOUNG: Yes. I do not know why that is. It is just the circumstance.

It is obviously a very concerning trend by this government to not allow the Australian people or the parliament to know exactly what is going on with our resources and our Navy and Customs personnel in relation to events on the high seas. We know—we have heard testimony after testimony from people within our various divisions of border protection, both current and former—how dangerous it is to engage in operations such as turning back the boats and, indeed, towing boats back, without knowing how risky any of those events are or even how many of those events are happening.

There are reports and confirmation that only two weeks ago the Australian government was attempting to tow a boat—a wooden, rickety, asylum seeker boat—and as it was being towed it split in two. The hull came off the boat. This happened on the high seas. There were refugees and asylum seekers on board that boat, and the boat started to sink. Have we heard one word from this government about this particular incident—what happened; how it occurred; who is going to take responsibility for this; what was the risk to our personnel involved in that incident; what happened to the asylum seekers and the people on board that boat? Not a word has come from this government. It is all hushed; it is all silent; it is all cover-up, pretending that this did not happen.

If you do not talk about it, if you do not tell anybody, then hopefully no-one will notice that boats are arriving and that attempts are being made to turn them back and tow them. But we know it is happening because other people are seeing it. The boats that arrive day by day into Christmas Island are watched by Christmas Island locals. They are keeping their own tally
and allowing the Australian people to know through their own communication methods because they know this government is desperate to cover up the truth.

There is nothing in these documents that says anything about these incidents. There is nothing in these documents that says there was an incident when a boat which people were on board had its hull broken off and was sinking. You would imagine that that is a pretty serious event to occur—that somebody should be responsible for telling the Australian people and this parliament what happened, how it happened and who is taking responsibility for the decision to tow that boat. This is just one example of the types of things that are being covered up day by day by this government and this minister.

There are, of course, conflicting reports about how many boats have arrived and how many people have been transferred to Christmas Island under this government's watch. In our Friday briefings—otherwise known as Friday farce—the minister stands there pretending that he will answer questions, yet hides behind the military and our men and women in uniform so that they do not have to answer questions. But of course, through the Senate estimates process, we know that it is indeed the minister himself who makes the call as to what is public and what is not. Yet he pretends that it is those within Operation Sovereign Borders and the Navy who are restricting the information to the Australian people. Well, it is not. We heard directly from Lieutenant General Angus Campbell himself that it is the minister who makes the decision as to what the Australian people are able to know and what they are not. It is more of a case of the Minister for Immigration saying he will decide the information that the Australian public will get to know and under what circumstances they will know it. What arrogance of this government!

The incidents that are occurring on our seas are serious enough for this parliament to be made aware of. How much money is being spent on these operations? How many times have Australian personnel been put at risk because of the direction of this government to turn back boats and tow boats despite all of the evidence? All of the evidence, all of the testimony, is that this is an unsafe practice, that Navy personnel do not want to have to carry out these dangerous orders and that it is in fact in direct conflict with and contradicts our obligations under the laws of the sea. And yet here we have the Minister for Immigration, 'Dr Cruel' himself, 'Dr Secret Boats', saying: 'No, you will turn back boats. I don't care about how dangerous it is. We don't care if it creates a sinking just off Christmas Island when people are on board. It is all okay because we will just cover it up and not tell anybody that it is happening.'

This document is an absolute farce. It does not give any information in relation to the incidents. In fact, it says it will not. The argument is here for why that information will not be given and why the Australian people and the parliament do not deserve to know about serious incidents like the sinking of a boat and the resulting rescue of 40 asylum seekers. The argument for not giving us the information about that incident is that it is not in the public interest. Whose interest is it in? I can tell you that seeing these incidents occur on our high seas is not in the interest of our Navy and Customs personnel, and it is not in the interest of the refugees and the asylum seekers on board these boats.

It may be in the interest of the government of the day not to tell us what is going on, because it would prefer to keep the Australian people in the dark. This is a government that thinks the Australian people should be treated like mushrooms, kept in the dark and fed
compost. This is basically this government's attitude to the Australian people and this parliament. What absolute disrespect for the dangerous and risky jobs that our government is asking our Navy and Customs personnel to carry out on the high seas!

Of course, the idea that everything can now be classified as an operational matter also changes day by day depending on how uncomfortable the question that the minister has to answer is. One day we hear that it is an operational matter as to whether boats are being brought back from Indonesia. Next we hear that it was not an operational matter, because Lieutenant General Angus Campbell was more than happy to tell the Senate estimates hearing that in fact nothing had happened in relation to that policy—and nothing ever will, because, of course, Indonesia is not participating in that. What is there in this strategy of 'operation secret boats' that the government has, aside from a media cover-up, aside from treating the Australian people as mugs, kept in the dark? Cover-ups, sneaking around, secrecy—and this is all this government has got going for it.

It beggars belief that an incident such as the towing of a boat that results in a sinking and people having to be rescued is not allowed to be spoken about in this chamber according to the Minister for Immigration. Why is that, Minister? Is that because it should never have happened in the first place, if we had actually taken on board the advice of people who have said over and over and over again through testimony in the Senate estimates processes, publicly, that turning back boats is dangerous? Why pretend to the Australian people that these things are not occurring, unless you are just wanting to hide the truth and hide the facts?

I do not accept the claims for public interest immunity as outlined in this document at all. There are absolutely no claims that can suggest that information such as about these serious incidents which put at risk the lives of refugees and the lives of our Navy and Customs personnel should be off limits for discussion and information here in the Senate or indeed the other place.

What arrogance and disrespect they have for the people they put in these dangerous and precarious situations.

This order for the production of documents has not been complied with, as we know. I say to the government again: of course there are going to be times when information must not or cannot be fleshed out thoroughly, but we should know basic information about when events occur, the seriousness of events and when an action by this government has put at risk the lives of Australians and refugees. It is an absolute cover-up when this government puts the lives of Australians at risk and it does not want anyone to know. What an absolute joke. What disrespect and arrogance from this government to think that no-one has the right to know.

The Australian Greens will not be accepting the arguments put forward by the minister in the letter tabled today.

Senator CASH (Western Australia—Assistant Minister for Immigration and Border Protection and Minister Assisting the Prime Minister for Women) (16:31): I will put some context around why the debate is occurring at this time, Mr Acting Deputy President Bernardi. You will be aware that the order for the production of documents required me on behalf of the Minister for Immigration and Border Protection to comply with the order by 5 pm today. At 5 pm today, the Senate has determined that Senator O'Neill will give her maiden speech. My office telephoned Senator Hanson-Young's office earlier today to inform her that the tabling of ministerial documents would occur after 5 pm because the Senate would be moving to Senator O'Neill's maiden speech at 5 pm.
We asked Senator Hanson-Young's office whether Senator Hanson-Young would be agreeable, in the usual course of business, to me tabling the documents at that required time during the tabling of ministerial documents, at which time debate on this matter could properly occur. It was noted, obviously, that this would be, however, after 5 pm. Senator Hanson-Young, I am informed through her office, stated that this was not acceptable. She therefore advised that this could occur at 3.30 pm. My understanding was that there was some other business that the Senate had to get through today, and that is why Senator Hanson-Young was denied leave. Had we gone through the normal course of events, but for Senator O'Neill's maiden speech, debate would have occurred on these documents.

The power to require the production of information is one of the most significant powers available to us as legislators. There will be, however, occasions when a minister determines that, on the accepted grounds of public interest immunity, it is not in the public interest for the particular information to be disclosed. I refer to the at least 75 occasions on which the former government failed to comply with orders for production of documents. In relation to those 75 cases, did the former government and ministers who were responding have the decency to provide concise reasoning as to the harm which they believed would be felt if the documents were disclosed in relation to the claimed ground of public interest immunity? I can assure you because I have all 75 of the responses that the answer to that question is no. So, Senator Carr, when you stand up today to comment on these documents, I suggest you might want your office to review the statements that were made by your ministers when you were formerly in government.

In relation to the information that I have provided to the Senate, I advise as follows. To assist the Senate, the government tabled a substantial amount of Operation Sovereign Borders related material on 18 November 2013. In addition to this material, the government has offered to provide the opposition and the Australian Greens senators and members with a confidential briefing delivered by Lieutenant General Angus Campbell, the commander of Operation Sovereign Borders. I can advise the Senate that to date the opposition has accepted the confidential briefing and Richard Marles, the shadow minister, has been briefed by Lieutenant General Angus Campbell on a confidential basis. I can also advise the Senate that none of the Australian Greens have accepted the offer of the confidential briefing.

In relation to the other documents for which the notice of motion calls, I have in my response to the Senate submitted that such documents should be withheld from the Senate on the grounds of public interest immunity. I have clearly articulated in my response to the Senate the relevant grounds upon which I am relying and I have then stated in detail—on behalf of Minister Morrison—the harm which I believe would occur if those documents were released publicly. As I have stated, the government has offered a confidential briefing to both the opposition and the Australian Greens and to date the opposition has taken up the offer of a confidential briefing. I would like to reiterate the comments regarding the operational sensitivity of the information that I have determined will not be disclosed that have been made by the Commander of the Joint Agency Task Force, Lieutenant General Campbell, as well as the former Chief of the Defence Force Angus Houston. They stated in relation to the matter:

There is a great advantage to have a high level of operational security which means you are not going to be transmitting frequently on what activities you are up to at that particular moment in time.
In relation to the particular grounds of public interest immunity upon which we have relied in our response, I advise that the grounds are as follows: material the disclosure of which could reasonably be expected to cause damage to national security, defence or international relations, including disclosure of documents or information obtained in confidence from other governments; and material relating to law enforcement or protection of public safety which would or could reasonably be expected to prejudice the investigation of a possible breach of the law or the enforcement of the law in a particular instance, endanger the life or physical safety of persons, disclose lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law the disclosure of which would or would reasonably be likely to prejudice the effectiveness of those methods or procedures or prejudice the maintenance of enforcement of lawful methods for the protection of public safety.

I have further set out in detail in my response specifically to the disclosure that the documents requested relate to operational matters which should not be disclosed for the following reasons of public interest immunity: they would or could reasonably be expected to cause damage to national security, defence or international relations, including disclosure of documents or information obtained in confidence from other governments; and they contain material relating to law enforcement or the protection of public safety which would have detrimental effects. I then, in response to comments made by Senator Ludwig, specifically set out the harm which this government states would result from the production of those documents—for example, disclosure of the information revealing the location, capacity, patrol and tactical routines relevant to Australian Defence Force and Customs and Border Protection vessels and aviation assets.

The release of this information would undermine the tactical advantage of civil maritime surveillance assets over people smugglers, who may use this information to avoid or trigger detection or to precipitate a search-and-rescue operation. It would undermine the Commonwealth of Australia's ability to protect vulnerable irregular maritime arrivals from the practices of people smugglers and other serious criminal activity. It would also undermine more generally the effectiveness of Border Protection Command assets which seek to maintain maritime security awareness more generally and in response to a broad range of maritime security threats, including the security of oil and gas platforms and the illegal exploitation of natural resources.

I go on to explain in further detail how this information, if it were released, would enable an exploitation of confidential methodology and processes used by the Australian Defence Force and Australian Customs and Border Protection vessels and assets. I then state the harm that would arise in relation to the impact upon Australia's relations with foreign states. I go further to elucidate that it would undermine the further development of international agreements and cooperation. It would undermine the working relationship between operational agencies in relation to safety of life at sea. It would further increase the tactical advantage of people smugglers and consequently increase the risk to the wellbeing of irregular maritime arrivals.

Accordingly the government does not believe, for the reasons I have clearly and properly stated in my response to the Senate, that it is in the public interest to release information that may compromise current and future operations under Operation Sovereign Borders. I remind
senators that the government's goal is truly to break the people smugglers' model, to stop people losing their lives at sea, to stop the flow of boats to Australia so that our Humanitarian Settlement Services program can go back to being just that and all places in our program go to people sitting in camps overseas, sometimes for in excess of 20 years. The mere fact is that Operation Sovereign Borders, in the short time it has been in operation, has resulted in an 85 per cent reduction in boats coming to Australia, which means an 85 per cent reduction in the number of people risking their lives to get to this country. I believe that Operation Sovereign Borders, because of the protocols that this government has put in place, is achieving its stated goals.

Senator KIM CARR (Victoria) (16:44): I will conclude my remarks by five o'clock because I understand there is a first speech. The gallery is filling up, not to hear remarks from me but to hear from a new senator. I am sure they will find this highly entertaining. I indicate to Senator Cash: you would have done yourself an enormous service by making the statement you have just given at 3.30. Equally you would have done the Senate a great service by not denying leave to a senator to make a short statement concerning your remarks. And you certainly would have done the Senate a great service by not trying to slip in a highly contentious document such as this without debate and without explanation.

Those members of the government that are wondering why the Senate is debating this matter and not dealing with the business of the Senate—and preventing us in due course from dealing with detailed legislation—ought to bear in mind that the arrogance and contempt that this minister is showing for this chamber will ultimately have great effect on the government's legislative program because one of the consequences of that contempt is that the Senate will show its displeasure.

When it comes to the detail of the measures that are being proposed to us today, it is unusual for governments to claim public interest immunity. It is particularly the case that at the recent estimates committee I asked Senator Cash directly, when she was refusing to answer standard questions that had been answered in this chamber, answered at estimates committees, answered at legislative committees and answered at references committees for the better part of the last generation at inquiry after inquiry: 'Remember the SIEV X inquiry and children overboard? Remember all those discussions?' Routine questions being answered are a matter of standard legislative practice, a matter of standard parliamentary procedure. Up until three months ago, it was not a controversial approach.

It may well be that officials do not want to answer questions. It may well be that governments try to obscure information. It may well be that governments would prefer that the public not know certain things, politically embarrassing things. Of course that is the routine of the parliamentary process as well. It has been the case for a generation that questions are answered, but this government has chosen not to. At Senate estimates, when implementing this procedure was attempted, I asked a very direct question regarding the issue of public interest immunity. I asked the minister in the chamber: was she claiming public interest immunity? I said: 'I will ask you directly. Are you claiming public interest immunity?' The chair said that she was not. There was no point of order. Of course there was no claim, but suddenly we discover that there is a claim.

All governments and anyone that has been a minister for any length of time understand that there are simple matters of public confidence that need to be maintained. I agree with that.
There are issues in regard to state security. There are secrets that governments need to maintain. There is always, however, the need to balance that against the right of the public to know and the right of the parliament to know. There is a balance between the need for executive confidentiality and the need for the parliament to know as well. That balance has to be struck by careful consideration. I have maintained myself that there are commercial-in-confidence issues. There are genuine issues of commercial secrecy that require there not to be public disclosure. There are issues of genuine national security. There are questions that go to the need to ensure that individual citizens' privacy is not trampled upon. There are matters that go to legal proceedings. We do not discuss questions that are before the courts. These are all legitimate bases for ministers to argue: 'I am sorry. I am not going to answer those questions.'

But, to try to suggest that you can write a long list of statements without justification, without evidence to back them up, and assert that that is in itself a claim for public interest immunity, I would suggest to this chamber is not the way to proceed.

There is a fundamental principle at stake here—that is, the legitimate function of this parliament to actually ask questions and have them answered. It is a legitimate function of the parliament. When a minister claims public interest immunity, it is actually up to the parliament to accept that or not. Just asserting it does not make it a fact. While it may be that people do not say anything, it may well be that under those circumstances there is no dissent. You can accept that as a legitimate acceptance of claim. However, if there is dissent then I think there is a problem. You clearly, Minister, have a problem.

When it comes to the heart of this issue, what we end up talking about are not matters of deep national security. No-one, surely, as far as the Labor Party is concerned, is asking a minister of the Crown to breach their responsibilities to preserve the security of this nation. It would be wrong to suggest that we are. We are talking about events that have occurred and have been reported in newspapers—for instance, a bow being ripped out of an asylum seeker boat by a Customs vessel.

On 19 November, it was reported that an Australian Customs boat had to rescue about 40 asylum seekers after accidentally ripping the bow out of a boat and causing it to start sinking. Those 40 people had to be transferred to Christmas Island. This was an event that was reported in newspapers and was raised in the Senate estimates committee, but the government chose not respond. It said it was not our business, in effect, to know. There were occasions where there were boats tied up to the wharf in Darwin. It was reported on 13 November that a vessel was tied up at the wharf. Again, when questions were raised about this event, we were told: 'It is not your business to know. You will be aiding and abetting the people smugglers.'

There is this bizarre idea that the parliament here is not to know because people somewhere else will be told something they do not know. What a ludicrous proposition.

As we have heard in the case of a sea rescue, our maritime safety officials have advised the parliament that as a matter of course they send out an all-points bulletin, a distress signal—which is known throughout the high seas by anyone receiving that signal, anyone with the equipment—that a safety operation is in train.

The point was made quite correctly by Adrian d'Hage, the former chief of Defence public relations, who said:
In the days of mobile phones, satellites, and the internet, what Tony Abbott has termed 'the shipping news' is already out there.
It is simply not possible to bottle up information in the way that the government suggests that it can.

The former head of the Defence department, Paul Barratt, says the media strategy—that is what we are talking about here: not a security strategy but a media strategy—is unjustified and unsustainable. He says:

The fact is in a modern society any attempt to keep information bottled up is doomed to failure. There are three basic alternative sources of information—

Senator Brandis: Doesn't he work for the ABC?

Senator KIM CARR: Yes, he is quoted on the ABC. Senator Brandis, he is quoted on 15 November on the ABC saying:

There are three basic alternative sources of information: Indonesian officials in the current circumstances will be only too happy to embarrass the Government; people smugglers themselves don't need ministerial press releases to find out whether their people got through to Darwin or Christmas Island or got picked up by the Navy; and when they're within range, people on the boats have mobile phones—

an extraordinary discovery—mobile phones. An enormous breach of international security—the mobile phone.

So we have basic satellite equipment from our maritime safety agency broadcasting to the region about people needing to be rescued at sea. We have mobile phones. We have the internet. We have the Jakarta Post, but this minister thinks that the only people who should not ask questions about that are of course in this parliament. That stands in sharp contrast to the parliamentary practice that has occurred for a generation. Frankly, Minister, it is not sustainable.

We are looking at a farcical secrecy policy designed to protect the government, not the people of Australia. This is a media strategy developed by the government as a political strategy to prevent the people of this country and this parliament from knowing what is going on. This is a political strategy by the government, which stands in sharp contrast to their practices on a daily basis, and this minister in this chamber—almost on a daily basis before the election—was asking questions which she now decrees are matters of public interest immunity. Just about every question you asked me, Senator, in the previous parliament was a question that would be, under your definitions, in breach of the security arrangements of this country. They would be subject to your version of public interest immunity.

What was good just before the election was never advice to us as a government that it was in breach of security to actually discuss questions about these shipping movements. No-one advised when a boat tied up at the Darwin wharf that it was somehow a matter of national security and we could not tell anyone about it. We were never advised that these were practices that were aiding and abetting the people smugglers, but suddenly you discover these things only after coming to government, in a desperate bid to pursue a political agenda which can only thrive if the public does not know about it.

You make an assertion that 80 per cent of boats have stopped since you have introduced these draconian methods. It was 85 today; it was 80 yesterday—I know it has gone up five per cent in a day, despite the fact that another boat arrived yesterday at Christmas Island, another deep national security secret.
The actions that the Labor government took with regard to Papua New Guinea had much more impact than the actions that you are taking, which are about the desperate political survival of the government rather than the security of this nation. It is certainly not about providing the public with legitimate information we are entitled to know. It is certainly not about fulfilling your responsibilities to this parliament.

Question agreed to.

FIRST SPEECH

The ACTING DEPUTY PRESIDENT (Senator Bernardi) (16:57): Order! Before I call Senator O'Neill, I remind honourable senators that this is her first speech; therefore, I ask that the usual courtesies be extended to her.

Senator O'NEILL (New South Wales) (16:57): I acknowledge the traditional owners, the Ngambri and the Ngunawal people, on whose country we meet today. I pay my respects to elders past and present and to future leaders.

I have to say how humbled I am to take my seat in this chamber, the Senate of the Australian parliament. Even as I say that, I have to pinch myself to be quite sure that it is real. How can it be that the daughter of Irish immigrants, Jim and Mary O'Neill, who possessed little formal education and less money but had a pocketful of dreams, big hearts and workers' hands can end up in this place? How can it be that in one generation this generous country has offered me a life of opportunity such that I stand here today?

At the heart of that question lies the answer of powerful influences of family, education, health, the economy and politics. Paul Keating in his speech to the Irish parliament noted that in 1898 a huge sign was erected near the site of Australia House in London. It said:

Go to Australia. You will have a hearty welcome, a generous return for your energy and enterprise and a climate that is the healthiest in the world.

That is what my parents found, and it is what I hope to advance in my time here.

I salute all my colleagues with whom I had the privilege to work in the 43rd Parliament and I thank you for making the journey over to this place on the other side—such a long walk!

I now stand ready to do the work of our time and build on the achievements for those who have served in this place since Federation. I have been advised by many senators on both sides of the chamber that this chamber is far more collegiate than the place from where I have come. As I say to my children: we'll see.

I am particularly proud to be here as a Labor senator for the great state of New South Wales. I commit here today to do my very best for the people of my home state and to advance the Labor cause, because it is in doing so that I believe I can best serve my community and my fellow Australians.

The other place afforded me the opportunity to represent my local community in the seat of Robertson on the New South Wales Central Coast. It is a period in which Labor delivered for our community in health, in education and in community infrastructure, and I am proud of our record there. The things we built are powerful and lasting expressions of what we believe in. We renewed our schools, every single primary school on the coast. In those schools we not only fed the dreams of kids who saw buildings going up, kids who will in turn become
builders; we kept local roofers, plumbers, painters, earth movers, fabricators, drivers and so many other tradies and building professionals in work. We did that because of our belief in the power and value of keeping Australians working.

We built the much-needed Central Coast regional cancer clinic, and hundreds of local families have had the benefit of the care and healing possible because of that investment and access to health care in the midst of our community, near family, near friends and near workmates. We did that because we believe that every Australian, not just some Australians, should be able to access the health care they need, a healing that they need in their community. We built the GP superclinic at West Gosford, as well as the rehabilitation unit at Woy Woy for the same reasons. These things stand now as physical reminders of how we as Labor express our beliefs about making sure that people who live in regional Australia are not overlooked.

These investments in bricks and mortar will stand as testament to our Labor beliefs. They reveal us as the builders in this nation. Labor is the party of heart, of hope and of endeavour, supporting people who work and serve in our community. Our teachers in every primary school will teach in buildings that befit the work they do, for our children and through them for the future of our great nation. Our doctors and nurses, our occupational therapists, and other health professionals will also work in new and purpose-built places that will enable them to do their healing work and achieve the best possible health outcomes for those in our community who come into their care.

Building the fabric of our community, building the infrastructure for the future, ensuring the environment is not destroyed, investing in the potential of the vulnerable as well as the strong—these are things we believe in too. We expressed them in the delivery of Medicare Locals, in the rollout of the NBN, in the pricing of carbon and in the delivery of community infrastructure. Through the regional development fund, we delivered money to critical regional infrastructure. On the coast we enabled the completion of Coast Shelter, by investing $890,000 in ensuring that there is a decent place for community members and community workers to deliver the care and programs that improve the lives of homeless and vulnerable people in our community. Our investments improved the lives and life outcomes of tens of thousands of 'Coasties'.

The Central Coast is indeed a wonderful place to live, work and raise a family. And my endeavours here will be directed at making sure it stays that way—despite looming threats. Senators, I am blessed with a wonderful, healthy and, most of the time, happy family, who are here today and have to listen to me yet again and without interruption. The lives of our families are interrupted by our service here. Our lives and those who love and live with us are enriched, as well as impoverished and certainly reshaped, by our service in this place. We are the willing ones who offer ourselves in service of this country, through our dedicated work in this place.

But, senators, our families are compulsorily acquired, pressed into their own kind of service by dint of their connection to us. They love and watch with eyes that reveal their fears for us in the battle and their pride in us in being warriors for a democracy that is remade and reshaped here every day. They above all know the demands of this work on our minds, our hearts and our bodies. They also share in our delight in what we can and do and achieve in this work we undertake.
I want to thank you Paul, Caitlin, Brianna and Noah for all the times you have made do with so much less of my love, my care, my time and my attention than you deserve. You have done so for a long time and you have done so in order that I could share my care, my love, my time and my attention with so many others. I thank you today for your generous spirits and your endeavours with and without me. It is only because you as my family are so strong that I can do the work I do.

Mum, you are also a rock. Your love and belief in all of us—there are six children; four of whom remain—if bottled, would be a banned substance, because it gives us an unfair advantage over so many other kids who were loved so much less. I acknowledge here today my brothers Jimmy, Tim and Eamon and their families.

Now for a twist. John Donne, in 1611 or 1612—depending on which source you go to—explained, in a beautiful poem that he wrote to his wife Anne, how strong love at home binds us and makes being away from one another bearable. It is called A Valediction Forbidding Mourning. This is an extract:

Our two souls therefore, which are one,
Though I must go, endure not yet
A breach, but an expansion,
Like gold to aery thinness beat.

If they be two, they are two so
As stiff twin compasses are two ;
Thy soul, the fix'd foot, makes no show
To move, but doth, if th' other do.

And though it in the centre sit,
Yet, when the other far doth roam,
It leans, and hearkens after it,
And grows erect, as that comes home.

Such wilt thou be to me, who must,
Like th' other foot, obliquely run ;
Thy firmness makes my circle just,
And makes me end where I begun.

My dear family, you can always be assured that my heart is always with you and, when my work is done, I will be home. Hang in there with me, team. Family is vital. We need to look after one another, to love one another, to forgive one another and to have holidays together. Thank you.

The reason I selected John Donne's poem to explain how much the love at home means to me is because of a teacher, a very fine teacher, by the name of Mrs Yule. I was in a classroom at St Patrick's College, Campbelltown, in year 11 and Mrs Yule came into take an 'extra'—a replacement class, as our regular teacher was absent on that day. Period 5 on a Tuesday
afternoon after lunch, we opened our books and with her rich Scottish accent—yes, I did say Scottish, Senator Cameron—I heard John Donne's poem come to life. We read and reread the poem, holding up each line, each phrase, each word for closer inspection and delight.

In those days we undertook what would probably have been called a Leavisite analysis. Today we might call it a postmodern deconstruction and a reconstruction by means of resistant reading—resistant, that is, as in critically aware, not resistant as in 'we don't want to read this stuff'. Whatever you call it, it was quality education for me. So much had been invested in the formation and professional development of that teacher, in the provision of a classroom, so much invested in the selection of the text, invested in the students around me and invested in me as a learner in order to make my learning happen in that powerful way on that memorable day. And it would not have happened if that elusive quality that the best teachers have was not present that day. Mrs Yule's teaching revealed a deep pedagogical competency, a rich knowledge of the field, a curriculum that framed it, but it was how she cared about our learning in the end that made the difference. That care was the critical ingredient that brought it all together. And I expect that many of you know exactly what I mean.

Nel Noddings is a leading educational thinker who articulates the way in which that ethic of care that creates transformative learning experiences for all students can happen—and I mean all students, not just the ones who succeed early and reap the rewards all the way down the line, but the other ones, the ones who fail and then fail and fail and fail, but then recover something wonderful in an encounter with a great teacher, and succeed. The students bring what they bring with them from home. Some have lots of cultural capital on board when they arrive, others have little or none—and that is what schooling is supposed to make up for.

The critical nature of the work of the teacher is borne out in the work of our own Ken Rowe. As he wrote in 2003 and 2004, teachers do indeed make the difference. But we are also graced in the chamber today by another giant in the world of education: I acknowledge Professor Terry Lovat. His work on values education and the positive impact it has on learning and life outcomes is internationally acclaimed. It is indeed the ways of being at school that support ways of knowing and doing at school. An entire literature shows that if we can get the context of learning to be safe, supportive and enabling, teachers teach better and kids learn better, they are also happier and, funnily enough, they become more and more successful in test performances.

In our hearts we all know this power of the great teacher to effect great learning. We know that it is enhanced or diminished by the school context in which they work. It is why we continue to invest our hopes and our dollars in education because, despite the challenges we face right now in this country, we know—just as great educational advocates such as John Dewey, Paulo Freire and Sir Henry Parkes did—that education is an investment worth making. It is a critical part of improving the lives of our citizens and, through that endeavour, a critical way of supporting and sustaining our democracy.

Quality learning and teaching at school, though, is not the case for every student. Indeed, as the Gonski review revealed all too clearly, there are deep and growing clusters of students in our schools who are failing. For some of our children and young people, forced into school by legislation for 13 years, in the most formative period of their lives, school will be the worst period of their lives. Too many students in Australia are not getting the type of learning
experience, the type of schooling experience they need to become full participants in our democracy. The Gonski review found out that, despite our espoused support of education, the critical funding levels of schooling were inadequate.

The old and prevailing funding models that produced the outcomes we are seeing right now are those established by the Howard government. Gonski reveals that the old model has to go and that needs based funding for all students in all schools in all communities across the nation must be our new model. We know that the old model did its worst damage to the most vulnerable, who are now performing in tests at levels at least three to five years behind other young people born on the same day as them, but not born into the 'right' kind of family to have school success. Kids in cities, kids who are not Indigenous, kids who do not speak another language at home before they go to school, kids who do not have disabilities, kids whose parents are rich—they are doing better. But the old Howard funding model is so bad that even these kids are now being dragged down from the top too.

Needs based funding for students must be delivered not just for the benefit of the most vulnerable but for the common good and the benefit of all of our children. Money is part of the answer. We must all get that here, and we must get it at the same time. Everyone else does! Every parent, every teacher and every business person knows that money is always part of the answer. You can't pay for more and better qualified and equipped teachers without money. You can't offer the level of professional salary so teaching is chosen as a profession over accountancy or law without the money. You can't pay for professional development to keep teachers up to date with the latest evidence based research and pedagogy without money. You can't pay for learning resources, you can't pay for learning experiences, you can't pay for release from face-to-face time, you can't invest in new technologies to meet the demands of changing workplaces if you don't have the money. You can't provide for the social and psychological, the physical and practical needs of learners, teachers and educational leaders if you don't give them enough money to do the job.

So we must heed the facts, not decry them. We must change to a transparent and accountable needs based funding model now. And we need to put in the full amount required—$14.6 billion over the next six years—to redress the shameful reality that we as a nation, on our watch, are failing our children and young people. We have been failing them for decades across successive governments of every persuasion, at every state and territory level as well as at the national level. That is why Gonski’s rich and detailed report matters so much. It is a report card: it clearly shows us where we are failing. It is a blueprint for how we need to invest and change what we have been doing. Other countries have invested and improved. We, in contrast, have rolled out reform agenda after reform agenda without the dollars needed to truly transform the learning trajectories of all of our students—every one of them.

Finding all the money—not just some of it, all of it and now—though a critical first step will unleash further war words about education. Almost everyone has been to school and everyone has an opinion. Education is a space in which ideas are highly contested, where great research is set against appeals to common sense that do nothing more than dress up inequity as a natural outcome of diversity and excuse failure where we should see neglect.

There will be war words about a quality agenda; war words about literacy and numeracy; war words about testing and diagnosis; war words about 'no strings attached' money and
targeted accountability; and war words about the right level of parental engagement. These will be accompanied by war words about the curriculum that are both ideological and industrial in nature, war words about local or central decision making and war words about pedagogy. The problem is that, with war words, we will produce casualties in the battle and those casualties will continue to be our children and our collective future. War words have the potential to be great distracters.

Frankly, the Australian people are over war words, weasel words and promises they are told they misheard. They want our schools fixed; they want our kids happy, healthy and learning; and they want the old fights about education to stop. They want the rancour of cheap political shots to cease. We can do that, if we really want to.

I suggest, senators, that our nation needs us now to avoid the appeal of the distractions that will titillate the media, who are there to make money out of the telling of conflicts and dramas. Our job is bigger than that. Alongside our fellow citizens we are here to build a nation. We must keep our eyes on the prize. In education, that prize is a better future for all Australians by the fulfilment of our compact with students, who we do force into our schools for 13 years of their life.

That compact to keep our eyes on the prize is clearly articulated in the Melbourne declaration, agreed to by every state and territory, which declares two clear goals: namely, to promote equity and excellence; and to ensure all young Australians become successful learners, confident and creative individuals, active and informed citizens.

The PISA report released today clearly shows that, in the areas that are measured in these international tests, Asian countries like China, Singapore, Korea and Japan are pulling ahead of Australian students in maths and reading. Our student performances as learners in these international tests are in decline, especially our girls, our Indigenous kids and those young people who have had the misfortune to be born into a family with a low-socioeconomic status. Australian students from a wealthy background show a difference of about two-and-a-half years of schooling, compared to students from the lowest socioeconomic group.

Once again, that shameful reality of the reproduction of disadvantage in our schools is out there for all to see. Our dirty educational laundry is flapping in the breeze for all to see. That fact is intolerable, and a 'no strings attached' funding policy moving forward will only perpetuate that inequity. If we are to change the outcomes of schooling in the country to improve PISA, we will need both carrots and sticks to make the changes that will be necessary to honour the promises to our young.

As Labor leader Bill Shorten said today—and I thank you for being in the chamber for my speech—'Education should not be the political football it is today. It should enjoy the bipartisan support and recognition afforded to many other important issues of state.'

In this chamber, in our caucuses and in our communities we can drive that change. I live on the Tudibaring Headland on the land of the Guringai and Darkinjung peoples, who are the custodians of that place and the lands that stretch from the Hawkesbury River to the shores of Lake Macquarie and the lands of the Awabakal people.

It is a pleasure today to see Stuart McMinn, one of my own students, here with me, a man growing in leadership in the local Indigenous community. He is both a student and a teacher...
of mine. I am proud to call him a friend and delighted that he could be with me today. I hope you will take this message back to the community.

I want to make some brief remarks about Indigenous matters. The displacement of our first peoples, the wilful and deliberate destruction of culture, the attempts to dilute, displace and destroy were all too effective, too well resourced and speedy. Our efforts to redress, by comparison, have often been too poorly resourced, ineffective and tardy. But there are signs that we are awakening to the responsibilities that fall to our generation to renew and recommit to the long journey of healing that is needed in this country. We said sorry. How hard was it to get to that? But we finally did it. That reset the clock. It brought us a new starting point from which to measure the efforts of our time, the efforts on our watch, and the outcomes of better, healthier, happier lives for our first peoples.

I declare today, Mr President, that it is my intention to bring to this chamber a notice of motion that proposes an annual joint sitting of parliament, to hear the Prime Minister of the parliament and the Leader of the Opposition deliver the annual reports on Closing the Gap. I will seek the support of you, my colleagues in this place, and, if successful, I will ask for it to be sent to the House for its assent.

The reason I propose this is that, in my role as the member for Robertson, I sat in the chamber and heard very carefully prepared reports, delivered by the then Prime Minister Julia Gillard and the then Leader of the Opposition Tony Abbott. I looked to the press gallery and I saw empty seats. Without the grand drama of question time, without the gladiatorial feats to draw in the crowds of onlookers, the Closing the Gap reports failed to draw interest or column inches. Yet, in my view, these are vital and important reports for the parliament and are the most important indicators of healing and growth of this nation. They are very public soundings of our progress.

Until we overcome the 20-year life expectancy gap we cannot turn our heads away. We cannot rest, we cannot throw up our hands in despair, we cannot let this nation-defining matter slip quietly away into the background, displaced by other pressing concerns of the day.

In concluding my remarks I want to acknowledge the presence in the gallery of my other families: the extended O'Neill clan, especially my Uncle Mike—originally from Kilquane, Castletownroche, County Cork—and his family; the Macinantes and the Dwyers. I am terrible at getting to family events and attending to all the niceties, but I hope that my work here makes you proud to be related to me—at least on most days!

Can I acknowledge members of the secretariat staff in the gallery today, who work with such professionalism and who endeavour to support us in our workplace. I look forward to continuing to work with you in the years ahead.

I would also like to thank my tireless campaign team, who worked with me against now seemingly insurmountable odds for so many months. Young Labor: you are champions.

I want to thank the New South Wales branch of the Labor Party for putting their support and belief in me over so many years, especially Jamie Clements. I would not be here without you.

Kaila Murnain: you are simply amazing! Courtney Roche and George Houssos: without you, I do not know what I would do. Thank you for everything and best wishes on the imminent expansion of your family.
To the volunteers from the Labor Party and the community that came on board during the campaign: thank you. Never before have we seen so many community members volunteer to support our campaign. It is a testament to what the Labor Party did on the coast that that happened. To my colleagues from my days as a teacher and lecturer in education, thank you for your service of our people. And thank you for your many kind wishes and words of encouragement.

Without unions, Labor would not be. The belief in the right to a decent life for the working people of this nation is in our shared DNA. We are two halves of one whole, two different manifestations of a set of beliefs that unite us—beliefs and their enactment that differ profoundly from those we oppose. That joint purpose but distinct presence is a key part of our strength. The power of that partnership is borne out in the legislation of the last parliament: changes to superannuation, the delivery of fair wages for the feminised community care sector, changes to equal opportunity, safe rates and so many more pieces of legislation.

Thank you to Greg Donnelly, Gerard Dwyer, Barbara Nebart and David Bliss of the SDA for your support and guidance over many years. Indeed, thank you to all the affiliates of New South Wales Labor. Mark Lennon, it is an honour to stand beside you in the fight for the lives of Central Coast workers. Thank you to all those listening and watching from afar today. Thank you for your very many good wishes.

I want to convey a special thanks to those of you who have travelled to be here with me today—all of you. As I make my first speech to the Senate, many of you have travelled from the beautiful Central Coast, our home, to be here. Indeed many of you came and joined me in 2010 for my first speech to the House of Representatives. You have stood alongside me in the fight for our cause. I thank you for sharing today with me and I want you to know that your presence greatly enhances this day.

I am a worker. The Labor Party, the party of workers, is a natural home for me. Like my parents before me, I embark on this next journey of my life with a pocketful of dreams, a big heart and a worker's hands. I am ready for work.

NOTICES
Withdrawal

Senator MOORE (Queensland) (17:27): On behalf of Senator Carr, I ask that business of the Senate notice of motion No. 1 standing in his name for today, proposing a reference to the Economics References Committee relating to the provisions of the Tax Laws Amendment (Research and Development) Bill 2013, be withdrawn.

Senator HANSON-YOUNG (South Australia) (17:27): I ask that general business notice of motion No. 33 standing in my name for today be withdrawn.

Presentation

Senator Madigan to move:

That the following matter be referred to the Legal and Constitutional Affairs References Committee for inquiry and report by 25 March 2014:

The form of a referendum on an amendment to the Constitution confirming that all powers pertaining to making laws for marriage rest with the Commonwealth and that those powers may only be used to confirm marriage to be the union of a man and a woman to the exclusion of all others, voluntarily entered into for life, with particular reference to:
(a) what question should be put to the electors;
(b) any effect of the alteration on the Parliament’s powers under section 51(xxi) of the Constitution;
(c) the level of state and territory support;
(d) the potential ramifications for states and territories if such an amendment was made; and
(e) any other matters that the committee considers may be relevant to a decision on whether to conduct a referendum, and the timing of any referendum.

Senator Carr to move:
That the Senate—

(a) condemns:
   (i) the failure of the Government to provide answers on immigration policy and implementation, especially on serious incidents, to the Senate and the Australian people,
   (ii) the Government’s complete lack of transparency, and its reversion to secrecy in its conduct of the business of government, especially as it relates to immigration policy, and
   (iii) the Government for misleading the electorate on its immigration policies such as the Indonesian fishing boat buyback policy, bounties, wardens and turning boats back (where it is safe to do so); and
(b) Calls on the Government to:
   (i) abandon unwarranted secrecy, and
   (ii) acknowledge the success of the Papua New Guinea Regional Resettlement arrangement in reducing boat arrivals and putting people smugglers out of business.

Senators Rhiannon and Waters to move:
That the Senate—

(a) recognises that:
   (i) the Royal National Park in New South Wales is Australia’s first national park, one of the world’s oldest public parks, and the first to be proclaimed as a ‘national park’, and
   (ii) the Royal National Park is home to outstanding universal environmental, cultural and social values;
(b) congratulates the community group First National Park which, since 2010, has campaigned for the Royal National Park, Garawarra State Conservation Area and Heathcote National Park to be World Heritage listed, for winning New South Wales State Government and Federal Government support for their World Heritage nomination; and
(c) calls on the Abbott Government to:
   (i) continue supporting the proposal to list the Royal National Park, Garawarra State Conservation Area and Heathcote National Park as a World Heritage site, and
   (ii) affirm the importance of Australia’s national parks, and especially those already on the World Heritage List, by:
      (A) guaranteeing federal safeguards to protect these parks from threats to their outstanding universal values from mining, grazing, logging, shooting and development, and
      (B) recognising Australia has the highest level of extinctions in the world with a continuing species decline that is the worst of the Organisation for Economic Co-operation and Development countries and among the world’s highest.
Senator Wright to move:

That the Senate—

(a) notes the public comment period has started for Bight Petroleum’s referral (reference number 2013/6770) under the Environment Protection and Biodiversity Conservation Act 1999 (the Act), which sets out its intention to do seismic testing in Commonwealth waters, to the west of Kangaroo Island in South Australia;

(b) recognises the economic, ecological and social importance of the Kangaroo Island marine environment, first and foremost for the Kangaroo Island community, but also for South Australia as a whole; and

(c) calls on the Minister for the Environment to use his powers under the Act to decide against the proposed action.

Senator Siewert to move:

That the Senate—

(a) acknowledges the success of the Wage Connect program in helping long-term unemployed back into the workforce;

(b) expresses concern that this program has been suspended for the second time in 18 months due to a high level of demand for this service; and

(c) calls on the Government to re-commence the scheme and increase the number of places available through it, particularly for older workers who face significant discrimination in the labour market.

Senator Milne to move:

That the Senate—

(a) supports the Tasmanian Government’s Climate Smart strategy which aims to achieve 100 per cent renewable production and a 35 per cent cut in emissions on 1990 levels by 2020; and

(b) condemns the Abbott Government’s attempts to repeal the carbon price, which will remove up to $70 million per year from Hydro Tasmania and dividend payments to the Tasmanian budget.

Senator Milne to move:

That the Senate—

(a) notes that:

(i) Australia voted against United Nations (UN) resolution L18, which reaffirms ‘that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace and economic and social development’,

(ii) previously Australia had voted for this resolution for 15 out of the past 20 years, including under the former Liberal National Party Government,

(iii) Australia abstained in the vote on UN resolution L17, regarding the applicability of the Geneva conventions to the West Bank,

(iv) Australia has voted for similar resolutions at the UN in 16 of the past 20 years, and abstained in only four other years, and

(v) a Roy Morgan poll of November 2011 showed that 64 per cent of Australians polled, opposed the building of settlements on Occupied Palestinian Territories;

(b) calls on the Prime Minister, Mr Abbott, to ensure Australia in future supports UN resolutions that identify illegal Israeli settlements as a major roadblock to peace in the Middle East; and

(c) reaffirms its commitment to a two-state solution to the Israel-Palestine conflict.
Senators Ruston and Fawcett to move:

That the Senate—

(a) celebrates the success of Rural Clinical Schools (RCS) around Australia, commenced in 1999 by the then Minister for Health and Aged Care, Dr Wooldridge, and continued by a subsequent former Minister for Health and Ageing, Mr Abbott;

(b) notes that:

(i) RCS were designed to overcome the maldistribution of all doctors, including general practitioners, across Australia, which left country regions short of general practitioners and other specialty doctors,

(ii) students undertaking training in rural locations have academic results that are equal to, or better than, their metropolitan counterparts,

(iii) published data from public universities show high rates of RCS graduates working in, or intending to work in, rural areas, and

(iv) the information gathered through an independent project tracking all Australian and New Zealand medical students, the Medical Schools Outcomes Database, demonstrates that long-term placements in a rural setting through RCS have a significant impact on the vocational choice and intention to practise in a rural or remote setting as well as future career specialty focus; and

(c) calls on the Government to:

(i) continue its support for these excellent initiatives, and

(ii) expand opportunities to create intern and postgraduate training places in rural locations to enhance the future of specialty medical service delivery with a focus on general practitioners in rural and regional Australia.

Senator Ludlam to move:

That the Senate—

(a) notes that

(i) the Attorney-General and the Prime Minister have made repeated reference to a regime of parliamentary oversight comprising the Parliamentary Joint Standing Committee on Intelligence and Security when commenting on recent scandals pertaining to the surveillance activities of Australia’s security and intelligence agencies, and

(ii) the Joint Standing Committee on Intelligence and Security has not been re-established by the Government; and

(b) calls on the Government to immediately establish the Parliamentary Joint Standing Committee on Intelligence and Security.

Senator Xenophon to move:

That the following bill be introduced: A Bill for an Act to amend the Reserve Bank Act 1959, and for related purposes. Reserve Bank Amendment (Australian Reconstruction and Development Board) Bill 2013.

Senator Carr to move:

That there be laid on the table by the Minister representing the Minister for Immigration and Border Protection, no later Tuesday, 10 December 2013, all incident reports, logs, briefings, ministerial notes, internal communications and other reports (excluding any publicly available documents), in relation to the reported incident that took place on Friday, 15 November 2013, involving the towing of an Indonesian vessel near Christmas Island by an Australian Customs, Navy or other government asset or vessel.
**DOCUMENTS**

**Trans-Pacific Partnership Agreement**

**Order for the Production of Documents**

Senator WHISH-WILSON (Tasmania) (17:28): by leave—If media reports are to be believed, we currently have the largest free trade agreement this country has seen being negotiated. Those negotiations are due to be finished by the end of this year. It has largely been negotiated in secret over the last four years. It is very important to the Senate, and especially to the Greens and I understand also to the Labor Party and a number of stakeholders across this country that the details of this trade agreement become public. Free trade is often pushed as being important for this country. But there are also risks and costs to free trade. Recently, we saw a chapter leaked by WikiLeaks—only one of 30 chapters—that caused a lot of concern. This is a move to take the politics out of the release of this free trade agreement and to make it available to the public. I move:

That there be laid on the table by the Minister representing the Minister for Trade and Investment, the final text of the Trans Pacific Partnership plurilateral free trade agreement well before it is signed.

Question agreed to.

**COMMITTEES**

**Foreign Affairs, Defence and Trade Legislation Committee**

**Reference**

Senator MADIGAN (Victoria) (17:30): I move:

That—

(a) the inquiry into the Fair Trade (Workers' Rights) Bill 2013 of the Foreign Affairs, Defence and Trade Legislation Committee of the 43rd Parliament be referred for inquiry with the same terms of reference, granting the current committee access to all inquiry submissions and documents of the preceding committee; and

(b) the committee report to the Senate by 4 March 2014.

Question agreed to.

**Electoral Matters Committee**

**Appointment**

Senator XENOPHON (South Australia) (17:31): I seek leave to amend general business notice of motion No. 41 standing in my name for today relating to the variation to the resolution of appointment of the Joint Standing Committee on Electoral Matters.

Leave granted.

Senator XENOPHON: I move:

That the resolution of appointment of the Joint Standing Committee on Electoral Matters be amended to provide for participating membership, as follows:

After paragraph (3), insert:
(3A) for the purposes of the inquiry into the 2013 election only, participating members may be appointed to the committee on the nomination in the House of Representatives, of the Government or Opposition Whips or any minority group or independent Member, and, in the Senate, of the Leader of the Government or Opposition, or any minority group or independent Senator, and such participating member:

(a) shall be taken to be a member of the committee for the purposes of forming a quorum if a majority of members of the committee are not present; and

(b) may participate in hearings of evidence and deliberations of the committee and have all rights of a committee member except that a participating member may not vote on any question before the committee.

Question agreed to.

MOTIONS

Ukraine Famine: Holodomor

Senator BILYK (Tasmania—Deputy Opposition Whip in the Senate) (17:31): I move:

(a) notes that 2013 is the 80th anniversary of Holodomor, an enforced famine in Ukraine caused by the deliberate actions of Stalin's Communist Government of the Union of Soviet Socialist Republics [USSR];

(b) recalls that it is estimated up to 7 million Ukrainians starved to death as a result of Stalin's policies between 1932 and 1933 alone;

(c) condemns:

(i) these acts aimed at destroying the national, cultural, religious and democratic aspirations of the Ukrainian people, and

(ii) all similar acts during the 20th century as the ultimate manifestations of racial, ethnic or religious hatred and violence;

(d) honours the memory of those who lost their lives during Holodomor;

(e) resolves to annually mark Holodomor on or about the international 'Holodomor Remembrance Day', being 24 November;

(f) joins the Ukrainian Australian community and the international community in commemorating this tragic milestone; and

(g) recognises the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated.

Question agreed to.

COMMITTEES

Education and Employment References Committee
Reference

Senator CAMERON (New South Wales) (17:32): I move:

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:
The Government's approach to re-establishing the Australian Building and Construction Commission through the Building and Construction Industry (Improving Productivity) Bill 2013 and related bills, with particular reference to:

(a) the potential impact of the re-establishment of the Australian Building and Construction Commission on the building and construction industry;

(b) the need or otherwise for a specialist industrial regulator in the building and construction industry;

(c) the potential impact of the bills on productivity in the building and construction industry;

(d) whether the bills are consistent with Australia's obligations under international law;

(e) the potential impact of the bills on employees, employers, employer bodies, trade and labour councils, unions and union members;

(f) the extreme and heavy-handed proposed powers of the Australian Building and Construction Commission, including coercive powers, conduct of compulsory interviews, and imprisonment for those who do not co-operate;

(g) the provisions of the bills relating to requirements to provide information to the Australian Building and Construction Commission during interviews including provisions that interviewees have no right to silence;

(h) the provisions of the bills that introduce the law of conspiracy into the industrial regulation of the building and construction industry;

(i) whether the provisions of the bills relating to occupational health and safety in the building and construction industry are adequate to protect the health and safety of employees and contractors in the industry; and

(j) any other related matter.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Building and Construction Industry (Improving Productivity) Bill 2013 and any related bills.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (17:33): by leave—The government does not support this referral of legislation to a references committee. The bill has already been subject to a Senate legislation committee, which has reported. Opposition senators have already said that they will oppose this legislation and have not explained why they wish to drag this out until March. The government is opposed to the concept of referring legislation to references committees as a matter of principle. We will not be supporting the motion.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Data Collection

The DEPUTY PRESIDENT (17:34): I inform the Senate that at 8.30 am this morning Senator Bernardi and Senator Siewert each submitted a letter in accordance with standing order 75 proposing a matter of public importance. The question of which proposal would be submitted to the Senate was determined by lot. As a result, I inform the Senate that the following letter has been received from Senator Siewert:

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

The urgent need to establish whether law-abiding Australian citizens have been subject to indiscriminate data collection.
Is the proposal supported?

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

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

Senator LUDLAM (Western Australia) (17:35): I thank the Senate for the opportunity to bring these matters forward. We in the Australian Greens believe that this is a debate of urgency and that it is a matter of great public importance. This morning, we felt that it was urgent for the Attorney-General to make a statement of explanation about activities undertaken by our intelligence agencies in raiding a lawyer’s office and interrogating witnesses hours before legal hearings got underway overseas. Three weeks ago, it was urgent to ask why the Indonesian President and his wife were under surveillance by some of these same agencies. Today, we are focusing on the urgency of what we find most alarming and which we have been raising consistently in this chamber and in the community since the first daggy power point slides from the US National Security Agency became available, introducing the concept of PRISM to wide public understanding.

The subject of this debate today is the need to establish the degree to which law-abiding Australian citizens and people all around the world are the subject of wide-scale, indiscriminate, passive, real-time or retrospective surveillance. The revelations by the brave whistleblower Edward Snowden would appear to show that the government of the United States and its allies, including Australia, have been systematically spying on the whole world. And I strongly contest the statement that our Attorney-General, the highest law officer in the land, made the other day in this chamber in which he described Edward Snowden as an American traitor. Senator Brandis, if you want to know why your standing in the general community is so low and why you are held in such casual disregard by everybody who has come across your work, look no further than a statement like that. Such surveillance, not only domestic but also extra-territorial, by various states' parties, violates the human right to privacy. Such surveillance reverses a fundamental tenet of democracy—which is that we are innocent until proven guilty—because it is a form of retroactive policing: 'We will collect all of your communications, in case you turn out to be a criminal one day.' Surveillance carried out through intelligence organisations—such as the NSA in the US, GCHQ in the UK and ASD, formerly DSD, in Australia—is all pervasive.

It quite clearly is an attempt by these agencies to capture, in real time, all digital communications by all people, whether you are a suspect in a criminal investigation or not. There are voice calls, emails, secure networks and servers. Some of the most common and ubiquitous software services and hardware services in the world appear to have been backdoored. This covers all countries, including close allies of the United States: France, Mexico and the Chancellor of Germany among many others. This data is then stored for future use, just in case anybody, including people in this chamber, ends up becoming a suspect in some sort of national security or criminal investigation.

On 20 November, the UN General Assembly passed a resolution on the right to privacy in the digital age. This resolution notes that the large-scale use of new information and communications technology has also enhanced the capacity of governments, companies and
individuals to undertake surveillance, interception and data collection. It has made it possible but it is time to recognise that we need to draw limits somewhere. Just because you can do these things does not mean that you should. We use the phrase deliberately, that these agencies are out of control. Having loosened themselves from the rule of law, operating effectively at the margins of national, state and international law, they need to be reined in.

The European parliament is extremely concerned about this. It immediately established an inquiry on electronic mass surveillance, once the revelations had been made public by The Guardian and The Washington Post. The French, Canadian and German parliaments, and Westminster itself—all considered like-minded democracies—initiated inquiries immediately. This was followed by Brazil, Ecuador and many others. In the United States, the head of the NSA was called before congressional committees and told to explain himself. As it happened, he lied to one of those committees, further undermining the credibility of the agency.

On 7 October, 10 entities that run the architecture of the internet, including ICANN, the Internet Corporation for Assigned Names and Numbers, signed the Montevideo statement, which said:

They expressed strong concern over the undermining of the trust and confidence of Internet users globally due to recent revelations of pervasive monitoring and surveillance.

ICANN is not some civil-liberties non-government organisation; it is a fairly dry organisation that was created by the US government. It operates and carries out its responsibilities under an MOU with the US Department of Commerce, and all these nations and entities are breaking away.

What do we have in Australia? We have the ALP and the coalition hiding—cringing, in fact—behind the statement ‘We do not comment on intelligence matters’ or they claim that everything happening here and in the US is entirely within the law. Why then refuse even the mildest terms of reference for a thorough inquiry into these matters? Until fairly recently the government's tactics were nothing more than denial, obfuscation, ‘pretend it’s not happening’, the political equivalent of curling up into a tiny little ball under your desk and just pretending and hoping that this will all go away. But in this last fortnight we have noted a new and dangerous change in tactics and that is to attack the messenger. George Brandis called Edward Snowden an ‘American traitor’. Tony Abbott and Malcolm Turnbull attacked the ABC, Australia’s national broadcaster.

They were quite clearly provoked by some of the more unhinged elements of their backbench, and some of the parties such as those in Victoria that simply want to privatise the entity altogether. The voices that shrieked the loudest in February and March of this year when media-reform proposals, actually rather feeble and mild, in the opinion of the Australian Greens, were brought before this parliament, and when those media reforms were made public about the importance of press freedom underlying a democracy—arguments which were completely baseless in terms of the legislation that was brought before this parliament in those few chaotic weeks—are now the ones lining up to kick the ABC and the media organisations that have put this material in the public domain the hardest.

I was a little amused a short while ago to discover on Twitter that the National Security Agency Central Security Service releases Christmas talking points to its employees. The document says: ’NSA CSS employees are authorised to share the following points with family and close friends.’ It is dated 22 November 2013. It is just amusing. I do not know whether
Senator Brandis got a copy of the NSA's Christmas talking points for his speech this morning or whether he saw them on Twitter as well, but maybe he should have read all the way to the bottom. The second and third dot points, at point 5, say: 'The President and senior administration officials are reviewing NSA's programs and we stand ready to execute their policy guidance with our full support.' These programs are being reviewed, I should say, because of the revelations that were put into the public domain by The Guardian and its media allies, including The Washington Post, The New York Times and Australia's ABC. The NSA in its Christmas talking points goes on to say: 'We encourage the American public to work with us to define the way ahead in balancing transparency and national security. We embrace public dialogue.' If public dialogue is good enough for the US NSA, why is it not good enough for the Liberal Party and the Labor Party, who refuse to support mild terms of reference for an inquiry into the activities of these agencies and their affiliates here in Australia? Instead, they attack the messenger. Mr Abbott says the ABC is guilty of very poor judgement. Malcolm Turnbull dog-whistles. Some of the stranger inhabitants of the Liberal Party backbench, in saying that the Liberal Party has made an error of judgement—

The ACTING DEPUTY PRESIDENT (Senator Stephens) (17:44): Order! Senator Ludlam, your time has expired.

Senator Ludlam: That is such a great shame.

Senator FAWCETT (South Australia) (17:44): Sometimes expiry of time on some speakers is a very good thing. I appreciate the fact that Senator Ludlam feels very strongly about these issues but I do take exception to a number of the remarks he has made and the inferences he has made about the Australian government—in fact, not only the Australian government but also the Australian opposition, in this case, on how we view matters of national security.

Senator Ludlam talked about the human right for privacy. The human right for privacy? What about the human right to be safe? What about the human right to be able to live your life, whether it be in your family circumstances or in your workplace, secure in knowing that you are not about to be attacked by somebody who fundamentally disagrees with the basis of our community? What about the human right to live your life free of the fear that on holiday somewhere, whether it be in Australia or, as we have seen in the Bali bombings, your life or your wellbeing is going to be cut short by the actions of others? There is a balance and another side to every concept and, when it comes to human rights, I have to say the right to privacy, whilst important, must be held in balance, must be held in tension with the other rights that Australians expect and should deserve to have protected by their government. Security, safety and freedom from injury and fear are pretty powerful motivators to make sure that that balance is right.

In terms of the comments made about the Attorney-General and his labelling of Mr Snowden as a traitor, it may come as a surprise to Senator Ludlam that there are in fact many people in the Australian community—not the fringes, as he would identify, but in the mainstream Australian community—who do not view the actions of Mr Snowden or, indeed, the actions of the ABC, as positive things. Yes, we believe in the freedom of speech. Yes, we believe in the freedom of the media. But they also need to recognise their responsibilities when it comes to Australia's security and national interests. There is a balance there, like most things in life, and the actions in this case were not wise actions. I had over two decades in
Australia's Defence Force, and one of the things we were shown on almost day 1 when we signed up was the Australian Crimes Act section 79, which talked about anything that was classified, restricted, secret or top secret and the limitations on what we could do with that information.

For the ABC, at the end of the day a taxpayer funded organisation, to receive documentation marked with classification levels that indicated that it should not be freely circulated, it is instructive to go look at the Crimes Act and see the kinds of penalties that are awarded to people who mishandle classified information: up to seven years imprisonment for a person who receives a sketch, a plan, a photograph, a model, a cipher, a note or a document is guilty of an indictable offence if they mishandle that or give that away inappropriately. It goes right through to people who have not had proper regard or care for a sketch: imprisonment for six months. To willingly and knowingly put into the public space something that is classified and would be detrimental to Australia's interests and national security is in fact an unwise act. For Mr Snowden to have been an instigator of that and seeing the damage that will cause to his nation, I think the term that Senator Brandis, the Attorney-General, placed upon him as being a traitor is by no means unwise or inappropriate.

Is the human right, desire and obligation of the government to provide safety and security for its people a real concern here in Australia? Clearly, yes. We have seen in Bali the fact that there are people who intend to do us harm. We have seen just recently in the appeal by the three men from Melbourne who had been convicted of terror charges about the planned bombing at the Holsworthy Barracks that the DPP has now come back and appealed the sentences that they were given. Whilst the men lost their appeal, the DPP is now coming back and saying that the 18 years that they were give are actually inadequate for the crime that they committed. These three men were part of an Islamist terror cell that planned to enter the Army barracks armed with military weapons and shoot as many people as possible before they were killed or ran out of ammunition. When you have a real and present threat like that in a community, there is a reason for Australia to have an intelligence service and capabilities to make sure the Australian community is safe.

The wording of this MPI talks about 'indiscriminate data collection'. I say that there is nothing further from the truth in terms of whether this information was in fact indiscriminate. Senators would be aware that this matter of data and who collects things was closely considered in a report of the Parliamentary Joint Committee on Intelligence and Security which was tabled just this year. There are a number of measures that make sure that the intelligence that is collected is not indiscriminate. In fact, there are good protections in place that require the approval of the Attorney-General if specific information is to be required.

The committee considered many submissions. In fact there were more than 5,300 submissions made to that inquiry. But one of the interesting parts—I see Senator Ludlam nodding his head—is that many of them were form letters. That is an indication of the fact that you do get lobby groups within a community who will try to get people to raise a concern on the basis of the story that has been pitched to them. Those are still valid contributions, but what they do not do is accurately reflect the level of concern in the Australian community of people who have the balanced understanding. That is why it was instructive to see that the committee in its report did not come out and say it was black and white. The committee recognised that there were issues pro and con. They recognised that privacy was a concern,
but they also recognised that on balance it was important for the Commonwealth to have security agencies and the ability to collect information. So I think it is important that, despite the diversity of views within the committee, they recognised that access to data is a critical tool that allows Australia's law enforcement and security agencies to investigate serious crimes and threats to national security.

The wording in this MPI is really quite inappropriate. The message that would trigger so many of those form letters are words like 'indiscriminate data collection', because it implies that we have rogue agencies out of control and doing whatever they like, whereas in fact, as this Senate inquiry showed—having reported in June this year—there is actually considerable oversight, considerable control and considerable constraint on what they are allowed to do. That the Greens may not like the fact that it exists does not undermine or take away the very valid justification for the existence of our intelligence agencies and the processes that they so diligently undertake.

**Senator STEPHENS** (New South Wales) (17:53): I thank Senator Fawcett for addressing the issue of the parliamentary inquiry that was undertaken by the Joint Standing Committee on Intelligence and Security last year, because that is exactly the perspective that I want to come from today, having served on that committee during the period of that investigation. I recognise that many Australians have a deep and ongoing interest in the issue of covert surveillance and telecommunications interception. I know that it is something that Senator Ludlam has been prosecuting in all the time that he has been here in the Senate. What we need to be really mindful of is that issues like these need to be dealt with through appropriate parliamentary processes. In the Australian parliamentary system the process for dealing with them is through that Joint Standing Committee on Intelligence and Security. I expect that the committee will certainly be receiving a briefing on the issues that have been revealed in the last few weeks.

In terms of the issue before us today, I certainly believe that indiscriminate data collection should be of concern to all Australians. It was absolutely borne out by the number of submissions made to the parliamentary inquiry. It is a double-edged sword, though, for our intelligence agencies. They are under fire if they do their work and we hear about it through a leak, and, if they do not do their work and something happens, the public demands to know why they were not able to prevent it. In reference to the information that was leaked by Edward Snowden in relation to Indonesia, Andrew Porter, a former adviser to former Minister Smith, wrote recently—and he really captured it:

Our intelligence agencies, like our Defence Force, deal with long-lead issues like emerging threats and changing government and economic situations in countries over years and decades. Indonesia is our most important neighbour, and we have an increasingly dynamic relationship with it; it hasn't always been so …

However highly we regard Indonesia's government and its people, for those wondering why we might have such a strong intelligence focus in our near north, it's worth remembering that the overwhelming majority of our compatriots who have fallen victim to the scourge of terror have done so in Indonesia.

So, for all the suggestions about a lack of accountability, in fact, as Senator Fawcett so rightly pointed out, our intelligence agencies are well governed under the Intelligence Services Act. They are subject to the oversight of the independent Inspector-General of Intelligence and
Security and they report to the parliament’s joint standing committee on intelligence as well as to the individual agencies’ respective ministers.

It might irk people to be told that privacy is not an absolute right and that a balance must be struck between privacy and other rights, including exactly the issue of the public interest in protecting the safety and security of all Australians. As we know, that is the expectation that the public have of us. That is the double-edged sword. That balancing act is a central tenet to the privacy legislation that exists both here and around the world. Where the state seeks to encroach on the privacy and other civil liberties through the exercise of intrusive powers, every legislation in every state jurisdiction suggests those powers should be exercised for legitimate purposes and not for improper reasons, should only be used when necessarily and not arbitrarily or without reasonable cause, be carried out in a way that is proportionate to their needs and not in a way that is excessively intrusive or to an extent that is overly broad, and should be shown to be effective in achieving their legitimate aims. There is a requirement to demonstrate that the intrusion has actually delivered on its purposes.

Preserving freedom under law is part of what it means to guard the national security of a democracy. To diminish freedoms unnecessarily or to disproportionately do that makes the nation insecure. I totally agree that secret policing, covert searches, surveillance, information that cannot be tested for accuracy, closed decision making and the absence of independent security of government agencies are all hallmarks of a system of government that democratic nations tend to want to secure themselves against, that is what Australia does very effectively.

There is no doubt that national security is in the public interest. However, it is very important that people understand that most security operations, such as searches and interceptions or warrants, are by their very nature invasive. That is why any proposal to consider an extension of those invasions requires such careful scrutiny and deliberation. The evidence to the public inquiry demonstrated how widely applicable data intervention is, preventing, as Senator Fawcett reminded us, several terrorist incidents, breaking up multimillion-dollar serious and organised drug, corporate crime and people-trafficking rackets—the very things that we as Australians want our intelligence agencies to do. That is why the intelligence committee took a cautious approach in its final recommendations, always seeking to balance the issues of national security and privacy. It was a unanimous report that sought to provide common-sense advice for any future government about changes to telecommunications interception, because intrusive powers must always be balanced by appropriate safeguards for the privacy of individuals and the community, recognising that Australia is a democratic nation which values personal freedom and places limits on the power of the state.

In relation to the issue of data retention and metadata, which has had so much interest and coverage, the committee determined:

If the Government is persuaded that a mandatory data retention regime should proceed, the Committee recommends that the Government publish an exposure draft of any legislation and refer it to the Parliamentary Joint Committee on Intelligence and Security for examination.

And do so in a very open and transparent way. It identified:

Any draft legislation should include the following features:
- any mandatory data retention regime should apply only to metadata and exclude content;
the controls on access to communications data remain the same as under the current regime;
internet browsing data should be explicitly excluded;
where information includes content that cannot be separated from data, the information should be
treated as content and therefore a warrant would be required for lawful access;

That is currently the case. It went on:

- the data should be stored securely by making encryption mandatory;
- save for existing provisions enabling agencies to retain data for a longer period of time, data retained
  under a new regime should be for no more than two years;
- the costs incurred by providers should be reimbursed by the Government;
- a robust, mandatory data breach notification scheme;
- an independent audit function be established within an appropriate agency … ; and
- oversight of agencies’ access to telecommunications data by the ombudsmen and the Inspector-
  General of Intelligence and Security.

So we need to think more wisely about the issues that have been talked through today,
particularly in the light of the discussion of what has gone on in the last few weeks. We need
to know, and we need to reassure Australians, that we do have a very robust data surveillance
scheme. It is not one that intrudes into the lives of people in the way that Senator Ludlam
would like to suggest and it is one that is working for Australia.

Senator DI NATALE (Victoria) (18:02): I think it was Senator Fawcett who suggested
that this is a question of getting the balance right. We agree with Senator Fawcett. This is a
question of getting the balance right. We need to assess the need for privacy against the need
to ensure that we keep our citizens safe. The reason that we are having this debate today is
that we have got the balance wrong. We are not talking now about the activities of our
intelligence agencies protecting Australian citizens; we are talking about our intelligence
agencies being involved in activities with some of our poorest neighbours and trying to ensure
that we get maximum financial advantage in negotiations with a nation that is—let us be clear
about this—one of the poorest nations on earth, East Timor.

I was fortunate enough to be in East Timor only recently. Young children there cannot
afford to get nets to prevent malaria. There is a huge incidence of malaria. They have an
epidemic of HIV and an epidemic of TB in that nation. And here we are using the full force of
our intelligence agencies to try and deprive them of an income to which they are absolutely
entitled. In the bitter dispute that we had with them about the ownership of the gas reserves
between our two nations, we employed our security agencies to try and get maximum
financial advantage for the people of Australia. That is not what our intelligence agencies
were set up to do. We have the balance very, very wrong.

In other parts of the world we have a situation where the issue of not just national
intelligence agencies but a range of corporations being involved in surveillance of citizens has
sparked outrage. In the US the National Security Agency was using the PRISM program to
spy on customers using Microsoft, Yahoo, Google, Facebook et cetera, and it caused outrage,
not just from the usual suspects, not just from people who are concerned about civil liberties,
but from parliamentarians and leaders of nations, who called in US ambassadors to explain
what was happening.
Here in Australia the response has been stony silence. We have seen almost a conspiracy of silence between the Labor Party and the Liberal Party on this issue. I wonder how much of this stems from the relationship that we have with the US. I think the sign of a mature relationship is when you can stand up on your own two feet and voice your own view of these important international issues. We do not want decisions that were once made for us in London to be made for us in Washington. We have a situation where the response to the debate has been: 'We don't comment on international security matters.' That is despite the fact that the NSA itself admits that there have been 15,000 violations of US law.

We know what happened about three weeks ago with the Guardian and the ABC, who broke the story about our government hacking the Indonesian President's phone and the phones of his wife and ministers. There were a number of commentators—and many members of this place—who challenged the legitimacy of those media outlets to raise what were very serious issues, not just serious moral issues but illegal activities under article 41 of the Vienna Convention on Diplomatic Relations, which says very clearly:
Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

And yet here in this place people are challenging the legitimacy of the organisations who have reported this.

Thankfully, we have newspapers like the Guardian which are now doing the job that our parliamentarians should be doing. We have got, for example, the director of Big Brother Watch, Nick Pickles, who says that newspapers around the world, from the Guardian to the Washington Post and Der Spiegel, have done what our own parliamentary oversight committee and other oversight bodies failed to do. They have exposed unprecedented surveillance being undertaken without the knowledge or approval of our elected representatives. It is also important to note here that our own parliamentary oversight committee has not yet been established for this parliament. So while that is being offered here as a justification for how these matters should be dealt with, we do not yet have a parliamentary oversight committee.

A lot of the focus here has been on the role of the media. I note that in one exchange Mr Rusbridger, the editor of the Guardian, was questioned by an MP, Mark Reckless. Mr Rusbridger was asked if he loved his country. I think a true patriot is one who defends the principles on which our nations are founded, the principles that mean that we live in a democratic country where individuals are free to communicate with each other without the fear of the overreach of the state. I think it is the definition of patriotism to stand up to state power, to stand up for the rights of the individual to express a view without fear of retribution from the powerful. In fact, it is absolutely an act of true patriotism to have done what those media outlets have been doing.

But this is not just about the impact it is having on the leadership of those nations; it is also about what it does to the relationships between governments and their citizens. The Greens have got some very constructive ways of dealing with this issue. The first thing I would like to draw the attention of this place to is the fact that, while briefings have been offered to the Leader of the Opposition as well as obviously the Prime Minister, the Greens have been denied a briefing from ASIO. Senator Scott Ludlam, who has been one of the most important
voices in this national debate, has been denied a briefing from ASIO. At the very least, if both sides of politics want voices like the Greens to be satisfied that what is being done is being done in the national interest then surely the Greens should be entitled to a briefing from our foremost intelligence agency.

There are many other things that we can do. We can bring security agencies within the ambit of our Freedom of Information Act. Even the CIA and FBI do not enjoy the blanket protections that our intelligence agencies here enjoy. We should ensure security agencies are in the reporting requirements of the TIA Act. We think that the Greens 'get a warrant' bill should apply in the telecommunications space. I heard Senator Ludlam ask a question about the need to access data from some of our telecommunications companies. He was asked, 'Isn't it inconvenient that we should require a warrant to access telecommunication data?' Senator Ludlam said, in the way that only he can, 'That is the only thing that separates us from a police state.' That small inconvenience is what separates us from being a police state.

We can also make sure that we promptly make data breach notifications mandatory and make sure we can also require Australian companies and IT providers to advise customers if they have agreements with foreign or domestic governments. There are many other things. But what we need to do is to ensure that this issue is now seen not just through the prism of national security but the huge infringement on the liberties of individuals in this country.

Senator SESELJA (Australian Capital Territory) (18:11): Before I get to the substantive part of my speech, I would like to respond to some of what has been put on the record by the Greens. Firstly, I reject the implicit premise of this matter of public importance, which is that effectively we are seeing indiscriminate data collection right now, that somehow we have security agencies out of control. That is the impression that the Greens are trying to create. It is an impression that I reject and I think most right-thinking Australians would reject it. I agree with Senator Stephens and with Senator Fawcett that we have robust systems in place in order to protect Australian citizens and to ensure that, in balancing Australians' right to privacy and to go about their daily business without undue interference from the state, the importance of our intelligence agencies doing their jobs is also recognised. That is the apparatus that has been set up by successive governments and has been refined over time by this parliament.

If the Greens' argument is that somehow that is a broken system, I have not heard them make their case in any substantive way. In fact, what we have heard is just a bunch of conspiracy theories from Senator Di Natale and others. He says we are not getting the balance right and makes all sorts of allegations without evidence. He talks about a conspiracy of silence between the major parties. No, what we have had is cooperation. What we have had over a long period of time, to Australia's credit, is that both sides of politics in the main have worked to ensure that we get the balance right, to ensure that our intelligence agencies can do their jobs. Let us not underestimate how important this work is. This can be the difference between a terrorist attack occurring or not occurring. Good intelligence is critical to the security of our nation and I think the Greens' view of the world seems to be to undermine that at every turn. It is the Greens' view of the world that treats the Edward Snowdens of the world as heroes rather than traitors to their country. I will go to some of the issues in the Joint Committee on Intelligence and Security report and I will expand on some of what Senator Fawcett had to say on that, and Senator Stephens touched on some of that as well.
We should also put on record that there are a number of laws protecting the privacy of Australians. We have not just the Privacy Act but also the Telecommunications (Interception and Access) Act and the Telecommunications Act. These relate to the collection of data and access to that data. As other senators have noted, we also have oversight. We have the Inspector-General of Intelligence and Security and we have the joint standing committee. These are the processes that we have put in place: robust legal requirements to ensure that our intelligence agencies can do their jobs.

The report of the Joint Committee on Intelligence and Security, which has been mentioned, made 43 recommendations—obviously, there was a range of views—and I want to touch on some of the conclusions of that committee. The committee was asked to apply:

- tailored data retention periods for up to 2 years for parts of a data set, with specific timeframes taking into account agency priorities, and privacy and cost impacts.

The committee devoted an entire chapter of the report to its analysis on data retention. There was a diversity of views within the committee as to whether there should be a mandatory data retention regime. This is ultimately a decision for government. The committee recommended that the government publish an exposure draft of any legislation and refer it to the committee for examination. The committee recognised that access to telecommunications data is a critical tool that allows Australia's law enforcement and security agencies to investigate serious crime and threats to national security. The committee's report states:

There is no doubt that the enactment of a mandatory data retention regime would be of significant utility to the national security agencies in the performance of their intelligence, counter-terrorism and law enforcement functions.

The report also states:

... the utility of such a regime is not the only consideration. A mandatory data retention regime raises fundamental privacy issues.

This has been acknowledged. The committee correctly noted that reconciling the fundamental public values of public safety and privacy is a decision for government.

The committee provided guidance on how a data retention regime could be implemented by including, among others, the following features:

- any mandatory data retention regime should apply only to meta-data and exclude content;
- internet browsing data should be explicitly excluded;
- the data should be stored securely by making encryption mandatory;
- data retained under a new regime should been for no more than two years;
- the costs incurred by providers should be reimbursed by the Government;
- a robust, mandatory data breach notification scheme;
- oversight of agencies' access to telecom indications data by the ombudsman and the Inspector-General of Intelligence and Security.
The committee further recommended that:

If … a mandatory data retention regime should proceed:

- there should be a mechanism for oversight of the scheme by the Parliamentary Joint Committee on Intelligence and Security;
- there should be an annual report on the operation of this scheme presented to Parliament; and
- the effectiveness of the regime be reviewed by the Parliamentary Joint Committee on Intelligence and Security three years after its commencement.

The committee made detailed recommendations about the type of safeguards, oversight and accountability mechanisms that should be put in place if the government were to decide to implement a data retention scheme. The committee recommended against any regime which included content data or internet browsing data. It offered specific guidance on the oversight, review and reporting arrangements.

It is fundamentally important to our national security that our intelligence agencies be allowed to do their jobs. There are numerous restrictions and numerous aspects of oversight when they are doing those jobs.

**Senator Ludlam:** How about East Timor?

**Senator SESELJA:** We hear heckling from the Greens. They have made all sorts of wild claims. They are claiming a broken system when the system is not broken. I think that this extreme view of the world, as espoused by the Greens and as we are hearing here across the chamber, is something that the vast bulk of Australians reject. They do not accept the conspiracy theories. They do not believe you on the conspiracy theories. This claimed conspiracy of silence that we heard from Senator Di Natale just does not exist. What exists is a robust mechanism and a robust regime for ensuring that we do get that balance. The Greens seem intent on disrupting that. They seem intent on calling that into question. They seem intent on doing so without the evidence and with all sorts of half-truths and spurious claims. It is the Greens’ view of the world that the Edward Snowdens of the world are in fact heroes; they are not and they should not be upheld as heroes in this place.

The coalition believes fundamentally in this robust scheme. It needs to be continually improved, but it is not improved by the hysterical claims that we hear from the Greens consistently in the media or by some of the hysterical claims we have heard from the Greens in this place today.

**Senator XENOPHON** (South Australia) (18:20): This is an important issue, but I want to give a different perspective in relation to the matters raised. I do not question the need for surveillance to prevent terrorist acts and criminal activity and to assist in those responsible for those acts and activities being caught. There is no question about that. I hear very clearly what Senator Fawcett said earlier in his contribution and I do not disagree with him. But it is appropriate to question the level of surveillance and whether there are appropriate safeguards and checks and balances, and I do not believe that there are.

In relation to metadata surveillance, there is something like 300,000 metadata searches each year in this nation. The bodies that have authority for such metadata surveillance include city councils—for instance, the Bankstown City Council—the RSPCA and even the Victorian Taxi Directorate, because they can obtain your phone and email records in the context of their statutory powers under the legislative framework. I think we need to look very closely at the
safeguards in the Telecommunications (Interception and Access) Act 1979. It needs to be reviewed.

The other issue that I have great concern about is the ability of journalists and members of parliament to do their job in the context of dealing with whistleblowers, members of the public and public servants that may have information of malfeasance, of maladministration, of corruption in government or of, simply and importantly, taxpayers' money being wasted. These are issues that need to be dealt with. What we have now is a situation where there are inadequate safeguards. I have been pursuing this for a number of months, and on 18 November Australian Federal Police Commissioner Tony Negus conceded, after a series of questions I put to him in Senate estimates, that there are a number of members of parliament—less than five; presumably four—who have had their records intercepted in the context of investigations under sections 70 and 79 of the Crimes Act. Those are the sections that relate to whistleblowers coming forward to members of parliament. We need to have safeguards in place so members of parliament and journalists can do their work without fear of their sources—whistleblowers—being uncovered through metadata surveillance.

Let us look at what the US Department of Justice has done. I will be moving a series of measures next week based not on what a totalitarian government is doing, but on what the Department of Justice of the United States government is doing. I urge senators and members in the other place to read the guidelines issued on 12 July 2013 by the US Department of Justice, the Report on review of news media policies. This is what they are doing. There are presumptions to ensure that notice is given to media outlets, in all but the most exceptional circumstances, of metadata surveillance. There is advance notice given to members of news media of the opportunity to engage with the department regarding the possible use of this. There are enhanced approvals and heightened standards. These are very important matters. That is what we should be doing here, and the level of judicial overview they have in the United States is much greater.

I want to turn finally and, I believe, very importantly to the matters raised by the Attorney-General today about the raid carried out by ASIO on the offices of solicitor Bernard Collaery, who is currently in the Hague on an arbitration between Timor-Leste, which he represents, and the Australian government. I pay tribute to the Attorney-General and welcome his ministerial statement today. It is a very useful statement and I accept the Attorney-General acted appropriately on the advice of ASIO in approving the raid. I also accept without equivocation that he has conducted his role with integrity; he is a person of integrity. However, I query whether the collateral consequence—the cancellation of the passport of the star witness in the arbitration for Timor-Leste—has, in fact, prejudiced Timor-Leste in relation to the arbitration. That is a legitimate issue. This is not a criticism of Mr Irvine, who I believe has served his country very well over many years. He is now the director-general of ASIO. He initiated the warrants which deal with matters he allegedly dealt with as director-general of ASIS back in 2004. I am not suggesting he has done anything wrong, but I think there is a perception of safeguards, checks and balances that ought to be considered in any review.

We need to review this. We need to have issues of security first and foremost but we also need to have, parallel to that, members of parliament and journalists able to do their jobs in the public interest. Right now, our level of surveillance, our laws, and our checks and
balances fall way behind those of the United States of America. That is something we really need to consider. We could do a lot worse than use the guidelines of the US Department of Justice, which have given great comfort to news organisations. We need to do something similar in order to do our work as members of parliament.

Senator SINGH (Tasmania) (18:26): In speaking to this MPI today I would like to first acknowledge and recognise Senator Ludlam and the work he has done in prosecuting this issue for some time now, and also recognise the work of Senator Stephens, who was on that parliamentary Joint Committee on Intelligence and Security and the particular inquiry in question into the potential reform of national security legislation. Senator Stephens alluded to that particular inquiry earlier today and went into some detail as to the work that was carried out over an extensive period. It was broad-ranging in its look at the issues which pertain particularly to this MPI—that is, in relation to indiscriminate data collection.

Indiscriminate data collection is of concern to all Australians and rightly so, because at the end of the day we have to get the balance right when we are talking about privacy and security. That is what is really at the heart of this. That is what the Australian people want to know. They want to know that their civil liberties are maintained while at the same time they are protected by those security agencies that uphold our national interest in this country.

That is where it comes back to the importance of the integrity of the rule of law. If the rule of law is upheld no-one really has anything to worry about, but that is what it really comes down to. We are a democratic nation. We operate under the rule of law in this country. We as parliamentarians legislate to protect the Australian people, but in doing so we have to ensure that the rule of law is upheld while striking the right balance between the privacy and the safety of the Australian public. Therein lies the challenge.

Labor has a long history of establishing privacy legislation, introducing the Privacy Act in 1988, and we stand very much by our commitment to protect the privacy of Australians. We stand by our commitment to do that, which started to be further broadened when the then Attorney-General Nicola Roxon made a commitment to send some of this work to that parliamentary inquiry—the parliamentary Joint Committee on Intelligence and Security—to look at that inquiry into potential forms of national security legislation.

It did look at a wide range of areas in relation to changes to the Telecommunications (Interception and Access) Act, including the interception of metadata. I have been looking at some of the recommendations. There are some 43 recommendations that came out of that joint committee but some of them particularly—and Senator Stephens alluded to some of them earlier—talked about the proportionality of the investigative need and the privacy intrusion. That is where it comes back to—that balance of ensuring privacy and security—and finding an equal path in our rule of law.

Of course, as a democracy, Australia participates in data collection. We all know that. We have all known that for a long time. It happens through our network of intelligence agencies. In relation to that kind of national security framework of networks—which of course encompass all the security agencies as well as federal, state and territory governments—it has very well defined responsibilities and authority within the rule of law in Australia. What is critical is for the agencies to work within their authority to ensure that civil rights are not encroached upon and, with our proud history in Australia of freedoms, the importance of maintaining those boundaries can never be underestimated.
But if there is to be investigation or deliberation about an inquiry into that national framework, then we need to ensure that it would balance privacy and national security. That is a discussion that Labor would be happy to have, as my colleague the shadow Attorney-General Mark Dreyfus has said, and I do not think that debate really has occurred yet. It is a debate that is worth having. And that is what is really at the heart of all of this—striking that right balance. It is what is important to the Australian public. People want to be reassured that the work carried out by our intelligence agencies is done according to the rule of law and is done in accordance with the national interest. That is what governments need now to provide to the Australian people.

Among other things there is, as I said, a report with 43 recommendations on the table for Senator Brandis to take up now as Attorney-General, now in government, and to do something with. A lot of the work in this area has already been done so it really is up to the new government to work out what it is going to do and to provide that reassurance to the Senate and to the Australian people. The sooner that happens the better. In the meantime, let us have the debate, let us have that discussion about our national security framework and about some of the areas that this particular MPI has discussed—one of those being metadata access.

We know that metadata access is there. We have our privacy of communications protected by the Telecommunications (Interception and Access) Act, which prohibits the listening to, copying or recording of a communication as it passes over an Australian telecommunications system. As Senator Xenophon says, that act needs to be looked at. Yes, that act does need to be looked at and that is exactly what that joint committee did. It looked at it to ensure that the adequate safeguards are in place. Again, that is where I draw back to the work that was done by that committee.

Of course, we know that metadata is collected. That has been out there well and truly for a while now, maybe even before what has been highlighted in the media in recent days. But in doing that, national security agencies as well as police will know that to go further they must obtain an independently issued warrant for the investigation of really serious offences. Why is that the case? Because it is an invasive activity. It is invasive of privacy. But, if it is a serious offence, a warrant is issued and the outcome can be for the national interest.

An obvious example is what happened in relation to the metadata that was collected by such agencies to track down the murderer of Jill Meagher. It was a good example—a horrible example—of where metadata has been used in the public interest and to ensure such serious offences are dealt with. There are probably many other examples of metadata in Australia but we need to get back to what this is really all about, and that is striking that right balance—the right to privacy and the right of public interest to be protected. It is about striking a balance between those two key things and for the government to act on the outcomes of the inquiry.

**The DEPUTY PRESIDENT:** The time for the debate has now expired.
COMMITTEES

Scrutiny of Bills Committee

Report

Senator McEWEN (South Australia—Opposition Whip in the Senate) (18:35): On behalf of Senator Polley, I present the report and Alert Digest of the Standing Committee for the Scrutiny of Bills.

Ordered that the report be printed.

Senator McEWEN: I move:
That the Senate take note of the report.
Question agreed to.

Regulations and Ordinances Committee

Delegated Legislation Monitor


Ordered that the report be printed.

Senator McKENZIE: I move:
That the Senate take note of the report.
Question agreed to.

Rural and Regional Affairs and Transport References Committee

Report

Senator McEWEN (South Australia—Opposition Whip in the Senate) (18:38): On behalf of the Chair of the Rural and Regional Affairs and Transport References Committee, I present the report on the ownership arrangements of grain handling, together with the Hansard record of proceedings and documents presented to the committee.

Ordered that the report be printed.

Senator McEWEN: I move:
That the Senate take note of the report.
Question agreed.

PARLIAMENTARY REPRESENTATION

Election Petition

The ACTING DEPUTY PRESIDENT (18:38): For the information of senators, I present an election petition of the Court of Disputed Returns in respect of the election of senators from the state of Western Australia.
DOCUMENTS
Tabling

The Clerk: Documents are tabled pursuant to statute. Details will be recorded in the Journals of the Senate and on the Dynamic Red.

Details of the documents also appear at the end of today’s Hansard.

Indexed Lists of Files
Tabling

The Clerk: Statements of compliance are tabled in accordance with the continuing order of the Senate relating to departmental and agency files.

Details of the documents appear at the end of today’s Hansard.

COMMITTEES
Membership

The DEPUTY PRESIDENT (18:39): The President has received letters from party leaders requesting changes in the membership of committees.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:39): by leave—I move:

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

Appropriations and Staffing—Standing Committee—

Appointed—Senator Madigan

Australian Commission for Law Enforcement Integrity—Joint Statutory Committee—

Appointed—Senators Furner and Singh

Community Affairs References Committee—

Appointed—

Substitute member: Senator Thorp to replace Senator Brown for the committee’s inquiry into care and management of younger and older Australians living with dementia and behavioural and psychiatric symptoms of dementia (BPSD)

Participating member: Senator Brown

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples—Joint Select Committee—

Appointed—Senator Peris

Corporations and Financial Services—Joint Statutory Committee—

Appointed—Senators Dastyari and Singh

Education and Employment References Committee—

Appointed—

Substitute member: Senator Wright to replace Senator Rhiannon for the committee’s inquiry into the effectiveness of the National Assessment Program—Literacy and Numeracy

Participating member: Senator Rhiannon

Electoral Matters—Joint Standing Committee—

Appointed—Senators Faulkner and Tillem
Foreign Affairs, Defence and Trade—Joint Standing Committee—
Appointed—Senators Furner, Ludwig, McEwen, Singh and Stephens

Migration—Joint Standing Committee—
Appointed—Senator Dastyari

National Capital and External Territories—Joint Standing Committee—
Appointed—Senators Lundy and Peris

National Disability Insurance Scheme—Joint Standing Committee—
Appointed—Senators Stephens and Urquhart

Parliamentary Library—Joint Standing Committee—
Appointed—Senators Throp and Tillem

Treaties—Joint Standing Committee—
Appointed—Senators Lines, Ludwig and Throp.

Question agreed to.

BILLS

Australian Civilian Corps Amendment Bill 2013

First Reading

Bill received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:40): 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 FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:40): 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—*

The Prime Minister announced on 18 September 2013 that he would recommend to the Governor-General that the Australian Agency for International Development, AusAID, be integrated into the Department of Foreign Affairs and Trade, DFAT.

The abolition of AusAID as an Executive Agency on 1 November 2013 marked a significant milestone for Australia's international engagement and a new era in diplomacy. DFAT is now responsible for development policy and the delivery of Australia's aid program. This major change will see the alignment of Australia's foreign, trade and development policies and programs.

Integration of AusAID with DFAT will promote Australia's national interests, by contributing to international economic growth and poverty reduction, and support Australia's foreign and trade policy.
This machinery of government change means that certain legislation will need to be updated to substitute references to AusAID and specific positions in AusAID with references to DFAT and positions in DFAT.

The Australian Civilian Corps Act 2011, and the regulations and legislative instruments made pursuant to that Act, are examples of such legislation.

The Australian Civilian Corps Act 2011 establishes the Australian Civilian Corps and sets out the legal framework for the employment and management of Australian Civilian Corps employees.

The Director-General of AusAID was responsible for the management of the Australian Civilian Corps. The Director-General of AusAID had a range of specific functions and powers under the Act including, on behalf of the Commonwealth, all the rights, duties and powers in respect of Australian Civilian Corps employees.

The Bill amends the Act in two main ways.

First, it transfers the powers and functions of the Director-General of AusAID under the Act to the Secretary of DFAT.

Second, it substitutes other references to AusAID and the Director-General of AusAID with DFAT and the Secretary of DFAT, respectively.

The Bill also makes consequential amendments to the Australian Civilian Corps Regulations 2011, the Prime Minister's Australian Civilian Corps Directions 2012 and the Director-General's Australian Civilian Corps Directions 2011.

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.

Higher Education Support Amendment (Savings and Other Measures) Bill 2013
Import Processing Charges Amendment Bill 2013

First Reading

Bills received from the House of Representatives.

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:41): These bills are being introduced together. After debate on the motion for the second reading has been adjourned, I shall move a motion to have the bills listed separately on the Notice Paper. I move:

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

Question agreed to.

Bills read a first time.

Second Reading

Senator FIFIELD (Victoria—Manager of Government Business in the Senate and Assistant Minister for Social Services) (18:42): 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—
HIGHER EDUCATION SUPPORT AMENDMENT (SAVINGS AND OTHER MEASURES) BILL
2013

The Coalition Government is committed to ensuring that Australia has a strong, high quality university system now and in the years and decades to come.

This Bill will give effect to higher education savings measures of the previous Government, announced by the then Minister for Tertiary Education on 13 April and confirmed in the 2013-14 Budget.

These are Labor's cuts. These cuts of April came on top of repeated attacks by Labor on support for universities, for students, and for research. These cuts show just how damaging to the University sector the previous government was. They show clearly that Labor is no friend to universities. They show that Labor is no friend of students or higher education.

We are pleased that we have been able to reverse one of Labor's most foolish and damaging measures—the cap on tax deductibility of self-education expenses. The vast majority of those who claim for self-education expenses earn less than $80,000 a year. This cap was going to hurt our nurses, teachers, doctors and other frontline services. Not only that, it would add to the burden on universities and professional and other bodies.

By 'scrapping the cap' this Government is sending a clear message that the resources available to universities and students will be greater under the Coalition than they would have been under Labor.

However, given the fiscal mess we have inherited from Labor as a result of their incompetence and wasteful spending, we have no responsible choice but to proceed with the other measures announced by Labor in April. We need to fix the Budget for the long term and only by doing so will we ensure the sustainability of funding for the higher education sector. In addition to the measures in this Bill, the Minister for Social Services will bring forth measures to implement the other part of Labor's April decisions—Labor's decision to convert start-up scholarships for students into loans.

Turning to the specific provisions of this Bill: Schedule 1 of the Bill amends the Higher Education Support Act 2003 (HESA) to abolish the HECS-HELP discount. Schedule 2 amends HESA to abolish the HELP voluntary repayment bonus. Currently, students receive a discount of ten per cent on their student contribution by paying the amount up front and an additional five per cent reduction in their HELP debt by making a voluntary repayment of $500 or more.

Schedule 3 of the Bill amends HESA to apply an efficiency dividend of 2 per cent in 2014 and 1.25 per cent in 2015 to Commonwealth contribution amounts under the Commonwealth Grant Scheme. The efficiency dividend will not be applied to student contribution amounts but does impact on university revenues over 2014, 2015 and the years following. Future years will be indexed from a lower base because of this cut from the previous Government.

Schedule 4 makes a minor amendment to HESA to reflect the change of the name of the University of Ballarat to the Federation University. The Victorian Parliament passed the University of Ballarat Amendment (Federation University Australia) Act 2013 earlier this year to change the name of the University with effect from 1 January 2014. The new name, a decision of the Victorian Parliament, reflects the planned broader role envisaged for the university and evident in the transfer of Monash University's Gippsland campus to it.

The Coalition Government is committed to a strong, vibrant university sector. The fiscal mess that has been left to us by the previous Government leaves us with no practical alternative but to proceed with Labor's cuts. Their mismanagement has meant that the Budget which they inherited in significant surplus has now become a Budget in massive deficit, with the nation saddled with huge public debt.

As a result, our high performing higher education sector is required to live with measures that contribute to restoring the Budget to health. That we have no option but to enact Labor's cuts does not in any way diminish our commitment to supporting a high quality and accessible higher education...
sector in Australia. Labor's cuts show how empty their claim is, to be a friend of universities and students. This Coalition Government is the true friend of universities, of high-quality teaching and learning as well as of research, and of students. Coalition governments have a proven track record of support for universities—and also, sadly, of having to clean up Labor's messes.

As the Prime Minister pointed out in his address to Universities Australia in February, the principal founder of the Liberal Party, Sir Robert Menzies, had what he himself described as a 'passionate belief in pure learning'. The creation of new universities, the increase in the numbers attending them and much greater support for students was one of the main legacies of his long tenure.

The Prime Minister also pointed out that, over the term of the Howard government, the number of students in higher education increased by 63 per cent, the number of post-graduate students by 118 per cent, the number of students from low socio-economic backgrounds by 23 per cent and the number of students with disabilities by 140 per cent.

Under the Howard government, as the Prime Minister said, total government funding increased by 13 per cent in real terms and total funding by 65 per cent. And of course, we established the $6 billion Higher Education Endowment Fund (since raided by Labor) to provide a guaranteed stream of income to the higher education sector for improved capital works and research facilities.

In that same speech, the Prime Minister laid down seven principles and policy directions for higher education that the Coalition would follow if elected to government. The first and most important is to be a stable and consultative government. The second is to encourage Australian universities to protect their academic standing so that students can be confident that their degrees are taken seriously. The third is to work with universities to expand their share of the international higher education market. Fourth, we committed to a New Colombo Plan, building on the original one that brought tens of thousands of students from around our region to study in Australia by sending Australian undergraduates to study in the Asia-Pacific region. Fifth, we committed to encourage universities and institutes to ensure that their research work is world class, effectively delivered and well-targeted, and to reduce the burden of grant applications. Sixth, we said that we would help to foster the creative and economic potential in our education and research sector by reducing their regulatory and compliance burden. Seventh, and finally, the Coalition committed to helping Australian universities to be able to take advantage of the growth in online learning, such as the development of Massive Open Online Courses.

In the few weeks that this Government has been in office, we have already taken many steps that implement these pledges and that demonstrate our commitment to higher education. We have been engaging in real consultation with our universities. As well as scrapping Labor's cap on tax deductibility for self-education expenses, we have acted to support the capacity of our universities and other higher education providers to attract international students to Australia. We have simplified the Assessment Level framework and extended the scope of Streamlined Visa Processing for international students, and we are working towards a national strategy for international education and other measures recommended in the Chaney report and mentioned in my recent speech to the Australian International Education Conference. We are working towards the pilot programs for the New Colombo Plan, with Indonesia, Singapore, Hong Kong, and Japan all having agreed to be Australia's partners in these.

We are recognising the most outstanding university teachers and programs that enhance learning in Awards for University Teaching created under the Howard Government. We have announced $522 million in grants and fellowships to support 1,177 research projects recommended by the Australian Research Council following competitive peer review processes. We are lifting the heavy burden of compliance and regulation on our universities through giving a Ministerial Direction to the Tertiary Education Quality and Standards Agency to engage in genuine consultation, including through an Advisory Council we are creating; to deregulate; and to report progress, including on cost savings to universities from this deregulation. We are ensuring that the burden of reporting requirements on
universities is reduced. We are taking stock of the progress of the demand-driven system for higher education funding with expert reviewers assessing how the system is performing, and how it can be improved, including to ensure that appropriate measures are taken to ensure the high quality of graduates from our universities.

Labor's cuts—outlined in this bill—would be unnecessary but for Labor's profligacy, their sustained and irresponsible spendathon, and their disregard for the sound financial management that is essential for the health and vitality of our universities. This Government is committed to ensuring sound financial management, and to ensuring that Australia has a world-class university system now and for the future. Cleaning up Labor's mess is an essential starting point for this.

IMPORT PROCESSING CHARGES AMENDMENT BILL 2013

The Import Processing Charges Amendment Bill 2013 deals with legislative change to implement a revenue measure that was announced as part of the 2013-14 Budget. The increase to import processing charges was intended to be implemented from 1 January; however, legislation to effect the measure was never introduced. This Bill amends the Import Processing Charges Act 2001 to increase import processing charges that will be levied on air, sea and post consignments with a value of $10,000 or more from 1 January 2014.

Under current legislation, an import processing charge is levied on consignments that have a customs value greater than or equal to $1,000. Consignments that are valued at $1,000 or less are currently exempt from the import processing charge. The current rates of import processing charges will continue to apply for consignments above $1,000 but less than $10,000. There is no change to the exemption for consignments valued at $1,000 or less.

In 2013-14, it is estimated that 3.3 million import declarations will be lodged of which 99 percent of these import declarations will be lodged electronically. Of the 3.3 million declarations that will be lodged in 2013-14, 55 percent of these relate to consignments valued at greater than $10,000. This Bill provides the legislative authority for changing the structure of the charges that will be levied on air, sea and post consignments, which will be reflected in the amended Import Processing Charges Act.

The current import processing charges recover only the commercial aspects of cargo and trade related activity. The Bill will amend the Import Processing Charges Act to broaden the cost base of the import processing charges so that all of the Australian Customs and Border Protection Service's (ACBPS) costs associated with cargo and trade related activity, including community protection costs, are cost recovered. Under the new arrangements, the increased import processing charge will recover all costs associated with this activity including; cargo screening costs, targeting and risk assessment costs; compliance, investigations and prosecution costs as well as all other cargo and trade related activities.

The Bill will also introduce a two tiered charging arrangement with increased charges to apply for air, sea and post import consignments with a value of $10,000 or more. The import processing charge will increase for sea consignments lodged electronically from $50.00 to $152.60 and sea consignments lodged manually from $65.75 to $152.60. The charges for air and post consignments lodged electronically will increase from $40.20 to $122.10 and for air and post consignments lodged manually; the charges will increase from $48.85 to $122.10.

Import processing charges have not been increased since 2005-06 and the new increased charges will now recover all import processing costs associated with the ACBPS's cargo and trade related activities. The previous government agreed to a tiered charging structure to address the issue that low value imports would experience higher increases in charges as a proportion of their value, due to the import processing charge being a fixed dollar amount.

The changes being made to both broaden the cost base of the import processing charges as well as increasing the charges to be levied on air, sea and post consignments valued at greater than $10,000 will
see Industry make a greater contribution to the full costs of delivering effective border management and the end to end costs of trade and goods delivered into Australia.

It is anticipated that implementing the previous government's revenue measure will generate an estimated additional $674.3m across the forward estimates. Failing to introduce this measure or any delay in its passage and commencement would have a negative impact on the Government's budget balance as this amount has already been factored into the forward estimates.

The changes to the structure of the import processing charges that are contained in this Bill comply with the requirements of the *Commonwealth's Cost Recovery Guidelines* and are consistent with the requirements of the General Agreement on Tariffs and Trade (GATT) as the revised charges will not "exceed the approximate cost" of cargo and trade related activities undertaken by the ACBPS.

The Import processing charges are collected under taxing legislation, and therefore any revenue collected by the ACBPS is returned to consolidated revenue. The ACBPS receives revenue as part of its annual appropriation to administer cargo and trade related activities.

Ordered that further consideration of the second reading of these 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.

**COMMITTEES**

*Education and Employment References Committee*

Reference

Resumption of debate on the motion:

(1) That the following matter be referred to the Education and Employment References Committee for inquiry and report by the last sitting day in March 2014:

The provisions of the Fair Work (Registered Organisations) Amendment Bill 2013, with particular reference to:

(a) the potential impact of the amendments to interfere with the ongoing operation of registered organisations in Australia; and

(b) the potential of the amendments to impede the ability of employees of registered organisations to carry out their duties.

(2) That for the avoidance of doubt, standing order 115(3) applies to the consideration of the Fair Work (Registered Organisations) Amendment Bill 2013 and any related bills.

**Senator LUDWIG** (Queensland) (18:43): I rise to speak on the motion to refer the provisions of this bill to the Economics References Committee. One of the disappointments, of course, is opposition, but one of the little joys you can have is speaking on issues that you have a passion for. Industrial relations is one of those. This bill is not one of my passions though. This bill is not well crafted.

*An honourable senator interjecting—*

**Senator LUDWIG:** I know it is a reference, but we are talking about the bill. The reference is a positive reference, but it is about a bill that is not particularly good. In fact, that is exactly why the reference is here. It is about ensuring that we get more scrutiny in respect of this bill.

I will put it in context. It is an odd thing for the government. When they were in opposition seeking government, they spoke about red-tape reduction. They spoke about removing regulatory burden. They got to government. Now they are adding regulatory burden. They are
doing it not only in the area of registered organisations but also in the ABCC bill. Again, strong industrial relations legislation already exists. They are a government that said one thing prior to entering government and then in government do the exact opposite. They said things like: 'We will remove red tape. We'll make business more easy.' They said they would be 'open and transparent'. They said they would seek to do those things. In government, they have done the exact opposite. They have done a backflip, exactly as they did with the Better Schools reform. Prior to reaching government, they said, 'There wouldn't be daylight between us and the Labor Party in respect of this matter.' When they got into government, they did a backflip. They are a government that would say and do anything prior to getting to government. Having got to government, they have chosen to throw their original rule book out the window and do anything it takes to achieve their political ends. This is but one of them.

Our job in opposition is to highlight this and point it out, to demonstrate that this government in this particular area of registered organisations is about adding regulatory burden. Look at the type of regulatory burden in this area which already has significant legislation. This is an area where Labor did not tolerate corruption by union officials. We do not tolerate corruption by any officers of any employee bodies, and we moved to strengthen the legislation, when in government, to ensure that there was strong regulatory oversight in this area. We now have a government that wants to continue to press for adding significant burden not only on registered employee organisations but also on registered employer organisations, and then it tries to justify it in the flimsiest of ways. This is a government that is not what the voters voted for. It has morphed into something completely different.

The impact of this legislation should be carefully considered by this reference, not rammed through this house and the House of Representatives without sensibly looking at the direct impact on both employer and employee organisations and the unintended consequences that come from it. There are many registered industrial organisations that are very small. They are not well resourced. They do a wonderful job of representing their members, both employers and employees. But in this legislation they will find significant, onerous legislation that will work against them. The concerns are quite broad.

Look at what already exists in legislation today. We have registered organisations that already prohibit members' money from being used to favour particular candidates in internal elections or campaigns, which is one of the justifications for this legislation. We already have registered organisations that act to ensure that the Fair Work Commission can share information with the police as appropriate. All of these things already exist and continue to ensure that the Fair Work Act operates effectively.

What is underlying all of this debate is a political witch-hunt. Those opposite cannot help themselves. They said before the election that they would not go back to Work Choices. They said it was dead and buried. What I think they are now going to do is slide it back in, piece by piece—slide back in the onerous burdens across industrial relations and rip away conditions piece by piece. They are not going to build in one big Work Choices piece of legislation, but they are going to attempt to do it piece by piece. That is their new modus operandi. The ABCC is on the list and registered industrial organisations are on the list. All of this just demonstrates to me that it is a political witch-hunt designed and aimed squarely at industrial organisations.
The DEPUTY PRESIDENT: Order! The time allotted for this debate has expired. Senator Ludwig, you will be in continuation when this debate resumes.

DOCUMENTS

Consideration

The following government document tabled earlier today was considered:


ADJOURNMENT

The DEPUTY PRESIDENT (18:50): Order! I propose the question:

That the Senate do now adjourn.

Ayers Rock Resort

Senator SCULLION (Northern Territory—Minister for Indigenous Affairs and Leader of The Nationals in the Senate) (18:50): One of the things that disheartens me is not only the sad stories about hardship, disadvantage and disconnection in remote Indigenous communities; what is more important and what has a bigger impact on me is the way that these communities are perceived by others. I believe that the refrain of fatalism and pessimism about Aboriginal and Islander Australians' ability to provide a positive narrative is a great stumbling block.

Well, the naysayers may not be aware that Aboriginal and Islander people are breaking out of these negative stereotypes without anyone's assistance. For far too long we have failed to recognise that Indigenous people have the same aspirations as everyone else. They want their children to have a good future, they want to be able to feel worthwhile and they want to make a contribution. For too long policies in this country, even if well intentioned, have deprived Aboriginal and Torres Strait Islander people of the opportunities a lot of us take for granted.

Only last week I visited one of the most impoverished communities in Australia, which has received so much negative press for a very long time, Mutitjulu, in the Northern Territory. I discovered that in that community people were defying their detractors and are preparing to look for work by creating work opportunities rather than waiting for work to find them. The Aboriginal people in the region refer to themselves as the Anangu. The Anangu women and men from Mutitjulu are working at the Ayers Rock Resort, and the downstream effect cannot be underestimated.

I met with Ricky Armstrong and his wife, Melissa Williamson, who moved from Amata and Fregon in South Australia to Mutitjulu to secure 'real jobs'. The pride of this man was evident as he said how he wanted his family to get ahead—knowing that he is doing just that. Ayers Rock Resort serves a real purpose. It is a real commercial enterprise and needs people with skills to work there. The resort wants to employ Aboriginal Australians. A number of members of boards of large corporations get out of bed every day and have one agenda: to make money for their shareholders. Ayers Rock Resort is run with another imperative, apparently equally important, and that is the employment of Aboriginal people, particularly...
those from Anangu lands adjacent to the resort. The fact that this is the motivation of the resort is indicative of the great results the resort has had in engaging with Aboriginal Australians.

Ricky Armstrong works as part of the resort's construction team, together with Darren Malbunka—I know Darren well—who comes from far-away Hermannsburg. Darren has a construction and landscape role at the resort. These people are role models for younger men and women in their communities. They know that they are making their elders and their families proud. They are honing their skills and adding to them.

Against data showing that the employment rate for Indigenous people has declined over the last six years, what is happening at Ayers Rock Resort shows the transformation of disempowerment to hope. When the resort was purchased in 2010 only a handful of Aboriginal people were employed there. Now there are more than 200 Aboriginal people working there, and this number is increasing. They come from all over Australia to get work and training, and to connect. They tell me they also charge up their cultural batteries. The 37 people who work there are Anangu people from across the Anangu Pitjantjatjara Yankunytjatjara lands moving to Mutitjulu to look for work at the Rock.

There are 58 trainees undertaking either certificate II or certificate III qualifications in hospitality through its National Indigenous Training Academy, which offers a career pathway at the resort and within the wider Australian tourism and hospitality industry. There have been 47 graduates to date. Trainees are employed by the resort while they are undertaking their training. When they complete the course they are guaranteed a real job. There can be no more training for training's sake. Work experience programs have also been established to give more than 30 Anangu school students from around the region workplace experience, which often leads to a traineeship at the resort. There are those who supply goods and services to the resort, including 20 local Aboriginal businesses. This will only happen through the determination of a corporation or a business. This must happen for those changes to take place.

Businesses like Uluru Aboriginal Tours, Anangu Jobs, Maruku Arts, Warburton Glass, Ernabella Arts and Mani Mani are enriching the cultural experience. I have experienced many of these and I can commend them to others. Ninku Tjingo from Mutitjulu is the supervisor of a group of 13 Anangu women who work in a domestic-cleaning service running all the domestic cleaning within the resort. Like any other parent, Ninku drops off her five-year-old son at primary school before going to work. Xavier Kitson, also from Mutitjulu, is one of the Anangu supervisors on the men's landscaping team. He is looking forward to two of his granddaughters commencing traineeships at the resort in February 2014. There are also Anangu senior advisers in the management team, including Alison Hunt. Dorethea Randall holds a senior position as the Indigenous employee coordinator, and Leroy Lestor is the Anangu senior public relations officer. These significant tasks are undertaken as part of the management team.

What is so significant about these stories? People in Mutitjulu told me that this is the first time they have had real paying jobs outside the welfare system. The jobs the Anangu people hold at the resort have provided hope for the workers and for their children, who are learning an important lesson—that they can succeed and that work is not simply what someone else does but is for them as well.
Mr Koos Klein, Managing Director of Voyages Indigenous Tourism Australia, which runs Ayers Rock Resort, was told that it would not be possible to hire local Indigenous Australians at the resort. In the past the people of Mutitjulu were overlooked as potential workers at the resort and there was a deep-seated conviction—one I have struck—that Anangu people would not work there as it was too big a step. How wrong they were. Mr Klein, who has international experience in the management of some of the world's great hotels, told me that, while the resort employs people from all over Australia, the resort had an 'Anangu-first policy'. Mr Klein is passionate about the employment of local Indigenous Australians. I am delighted that he is now offering key roles in management. He told me that the resort is also exploring the possibility of cadetships and management programs.

I have been travelling around Australia, particularly Northern Australia, for a very long time. I see small movements forward, with some well-meaning employment engagement programs. But I am convinced the fundamental change we need in corporate Australia is to make one of the key performance indicators of the executive to ensure we engage our First Australians in genuine jobs. When that happens, the visible changes at Ayers Rock Resort should be a well-positioned beacon for the rest of corporate Australia, showing that with the right effort and approach they too can achieve the outcomes we have seen at the resort.

I congratulate Koos Klein and all the staff at Ayers Rock Resort for doing nothing short of a magnificent job. I say to corporate Australia: hold your conferences at the Rock. They have got the most incredible conference facilities, and you have access to some of the most incredible cultural experiences. When you visit, I know that you can speak to Koos or any other people in the management and seek their advice about how your organisation or your company can go about achieving the sorts of things that have been achieved by this particular organisation. It really is time to start backing ourselves and our natural and human resources so that the rest of the world can get on with backing us too.

Corporate Australia, bring your business to the resort, allow yourself to be influenced by such a great corporate experience and ensure that as you finish your experience of the resort you not only take away part of the great spiritual centre of Australia and that wonderful cultural experience but share your experience with the rest of corporate Australia.

Owens, Mr James Cleveland

Senator FAULKNER (New South Wales) (19:01): Tonight I rise to speak about James Cleveland Owens, better known as Jesse Owens, who was born a century ago on 13 September 1913 in Oakville, Alabama. He was the child of freed slaves and sharecroppers. His extraordinary athleticism demonstrated on the world stage made him an international symbol of racial equality.

Jesse Owens was the youngest of 10 children, three girls and seven boys, born to Henry Cleveland Owens and Mary Emma Fitzgerald. Owens's family began as sharecroppers in Oakville. Life was harsh; often there were not enough clothes for the children or food for the family. The family moved north across the Mason-Dixon line to Cleveland, Ohio, in search of a better life.

Under the capable tutelage of his high-school athletics coach, Charles Riley, Jesse found in running a ready escape from difficult circumstances. In his own words:
Running meant physical freedom, individual expression, a sense of power … I loved it because it was something you could do all by yourself … You could go in any direction, fast or slow as you wanted, fighting the wind if you felt like it, seeking out new sights just on the strength of your feet and the courage of your lungs.

In 1933, at the national high-school championships, Owens equalled the world record in the 100-yard dash and long jump. His precocious talent led to a bidding war amongst the nation's universities, keen to sign the most promising athlete in a generation. Encouraged by the promise of employment for his father, Owens chose Ohio State University.

At Ohio State, Owens became the first African American elected captain of the track team. And, on 25 May 1935 at a track meet in Michigan, he became a national figure when in the space of 45 minutes he equalled the world record in the 100-yard dash and set world records in the long jump, 220-yard sprint and 220-yard low hurdles—an effort still regarded by many as the single greatest feat in athletic history.

The 1936 Olympics beckoned for Jesse Owens. The Berlin games took place at a time of momentous change in Europe. Fascism was on the rise, organising itself for a menacing purpose. In 1935 Mussolini invaded Ethiopia, and in September of that year Hitler introduced the Nuremberg laws. Churches, unions and civic groups called for a boycott of the so-called 'Nazi Olympics'. The African American press foresaw how the oppression of German Jews could ferment ideas of racial superiority elsewhere.

In August 1935, Harlem's Amsterdam News published an open letter calling on all would-be Olympians to boycott the games. Owens was not ignorant of the issues. He discussed his participation in the games with his coach. Ultimately he decided to attend. And so against this backdrop—this curious mixture of racial tension and national expectation—Owens boarded the SS Manhattan on 15 July 1936 bound for Europe. Reflecting on his journey, Owens would write:

In the early 1830s my ancestors were brought on a boat across the Atlantic Ocean from Africa to America as slaves for men who felt they had a right to own other men. I boarded a boat to go back across the Atlantic Ocean to do battle with Adolf Hitler.

The 1936 Olympics were supposed to be a showcase of Hitler's power and Aryan superiority, but instead a young African American dominated those Olympic Games. In the full view of the Nazi leadership—Hitler, Goebbels, Goring, Himmler—Owens won gold in the 100 and 200 metres, the long jump and the 4 x 100 metres relay. Owens equalled his own world record time in the 100 metres and broke world records in the others. Competing in a time before synthetic tracks and starting blocks, his records remained unbroken until the 1950s. The long jump mark lasted 24 years.

Jesse Owens returned to the United States a national hero keen to take up the commercial offers he had received whilst abroad. But with the glimmer of the games quickly dimming and banned from athletic meets from a malicious amateur athletics association, the commercial offers all but disappeared. The experience left him in his words 'a sadder but wiser man'.

Later, Jesse Owens would find success as a corporate spokesman and motivational speaker. His personal circumstances and political views alienated him from the radical politics of the 1960s and seventies. In 1970 he published Blackthink, a reassuring view of the American Dream which emphasised individual endeavour over calls for a restructuring of institutional
racism and poverty. He reacted angrily to Tommie Smith and John Carlos' black power salute at the 1968 Olympics arguing that:

The black fist is a meaningless symbol … When you open it, you have nothing but fingers—weak, empty fingers. The only time the black fist has significance is when there's money inside. There's where the power lies.

The irony was that Owens was the precursor to the black power movement and yet he opposed it. Owens moderated his views in a latter work, *I Have Changed*, but he would forever prefer gradualism and individualism to the brash, collective spirit of the civil rights movement.

A lifetime smoker, on 31 March 1980, Jesse Owens died of lung cancer. He was 67 years old. In 1936, moments before a world war and the final solution, I think we should reflect on the fact that Jesse Owens was asked to play the lead role in one of last century's most extraordinary political dramas. We should celebrate his lead role, certainly his majestic athleticism and the very potent symbolism of his victories. We should remember what it teaches us about the futility of racial prejudice and the capacity of the human spirit to overcome.

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**Legal Aid Funding**

**Senator WRIGHT** (South Australia) (19:11): I rise tonight to tell the story of a woman I will identify as 'Sharon'. Sharon's real name is different and has been changed for this speech as well as media reports to protect her identity for safety reasons.

Sharon's story highlights the perverse outcomes, the human consequences, that can happen when legal aid funding is inadequate and therefore leads to severe restrictions on eligibility. After Sharon, a professional from Melbourne, left a violent, abusive relationship, her ex-partner applied to the Supreme Court of Victoria for a share in the home she had previously bought and that they had lived in together.

He threatened violence against Sharon and her child and stalked her, using a private investigator. One day she arrived at her home to find him sitting in it. Contact visits occurred at police stations, because of the threat of violence. Because of violent threats, Sharon applied for withdrawal of contact.

She had to represent herself in court and was subject to cross-examination by her abusive ex-partner. Sharon was unrepresented because, although she had previously been granted legal aid, a few weeks before the court appearance her solicitors contacted her to say they were no longer funded to represent her. Victoria Legal Aid had recently decided that no funding would be available for people at family law trials, unless the other party is represented.

As Sharon's ex-partner was not represented, neither was she, even though this meant she had to ask questions of her partner, and he was able to question her directly. Sharon says this was a terrifying experience, which her ex-partner conducted in a way which was quite consistent with his prior domination and abuse.

Sharon has been diagnosed with post-traumatic stress disorder. How did this state of affairs occur? There are two salient issues to consider about this situation: one is the acute shortfall in legal aid funding in the face of increasing demand; and the other is the way in which decisions about eligibility are made by legal aid commissions.
I will deal first with the eligibility requirements of legal aid funding, which are becoming increasingly narrow across Australia. I had the opportunity to look into this issue in more detail in the supplementary Senate estimates hearings last week and I uncovered some disappointing truths. Legal assistance funding, which helps fund legal aid commissions, is agreed between the Commonwealth and the states under a national partnership agreement.

Despite this, I was told the Commonwealth has no way of ensuring that its funding contributions are spent in a way that reflects the objectives of the national partnership agreement. These include general principles that prioritise family law cases which relate to 'fundamental matters necessary for the wellbeing of children and/or people who have experienced, are experiencing or are at risk of experiencing, family violence.' Apparently, there is no mechanism to require that states determine legal assistance in a way that complies with these principles.

Senior legal practitioners have questioned how legal aid commissions can make such wholesale changes to eligibility instead of reviewing their own efficiency and business practices first. My questioning of the Attorney-General's Department in Senate estimates revealed that the Commonwealth has not provided any support for state legal aid commissions to examine their own efficiency and business practices or whether operations could be improved, as a way of ensuring Commonwealth funds are spent in an optimal way.

These severe restrictions on the number and range of cases that attract legal aid, which we are now seeing in many states in Australia—Queensland and New South Wales are the worst affected, in addition to Victoria—are occurring in the context of a growing demand for legal assistance services.

Legal assistance services are provided by legal aid commissions and community legal centres, and demand is growing at the same time that legal aid funding has been declining. These legal aid commissions and community legal centres around the nation are crucial to filling the gap in the provision of legal services for the most disadvantaged and marginalised in our community; those who need, but cannot afford, access to private legal services.

However, since the Howard government reduced the Commonwealth's proportion of legal aid funding in 1997, it has continued to slip under successive governments. The federal contribution towards legal assistance has fallen from about one-half to one-third of all government funding. The legal aid crisis that we now face is a direct consequence of this.

The Productivity Commission is currently conducting an inquiry into improving access to justice in Australia, and the Australian Greens look forward to the findings when its inquiry is complete. We also look forward to the federal government's response to the review of the National Partnership Agreement on Legal Assistance Services.

Another topic I looked into during Senate estimates is the $30 million in cuts that the government announced for the Family Court system. The Family Court was unable to speak with any certainty about how this cut would affect service delivery and access to justice, because it did not know what the cuts would entail. This even included a lack of clarity about whether the cuts applied exclusively to the Family Court or within other federal courts. The government has confirmed that this matter will not be considered until the federal budget is determined in 2014. Although the government announced the cuts, with $2 million to be saved this financial year, it appears there will be no clarity on the cuts until May. This is also
the case with the government’s concurrent announcement that it will strip $42 million from the Indigenous Legal Aid and Policy Reform Program.

The legal assistance sector has been crying out for clarity for too long. However, it is not just certainty that we seek for the legal assistance sector, but also autonomy. The Australian Greens believe the development of policy and advocacy for law reform are vital functions for legal assistance organisations. This complements their casework and advice functions, by allowing systemic issues to be challenged at a more effective level. There is a forceful view that those in receipt of public funding have no business engaging in this sort of activity. But the Greens want to see community legal centres and legal aid commissions resourced to work to their own unique strengths. We believe they should challenge systems and laws which are unfair or invalid and which disproportionately affect disadvantaged Australians.

An environment of limited resources can provide, at first glance, the pretext for a government to narrow down the range of jobs that the legal assistance sector does. However, the Greens stand for empowering the legal assistance sector to conduct law reform and advocacy work. We believe that even from a purely economic point of view, this enables community legal centres and legal aid services to help Australians efficiently. Upholding human rights, defending the rule of law and ensuring our democracy is robust are important and complementary benefits to that efficiency.

Legal aid is not just an issue for traditionally disadvantaged people. In 2013 many Australians with legal problems will experience limited access to justice. The gap between those wealthy enough to effortlessly instruct lawyers and those poor enough to be eligible for legal aid is wide. It is estimated that the average legal cost of bringing a Family Court case is about $6,500. Experts conclude that the private market has failed to deliver affordable legal services for many Australians.

Recent evidence shows that middle-income Australians are being excluded from the court system because of issues affording legal representation and court fees. The Law and Justice Foundation of New South Wales conducted a survey which showed that legal problems are life problems. They can have a severe, negative impact on people’s lives. It showed the poorest legal outcomes happened when people were unable to take appropriate action, due to cost, stress or a lack of information.

The evidence shows that, if we do not resource the justice system properly, we all pay for it later. This can take the form of lost productivity, health and mental health costs, or social dysfunction. The Australian Greens want to resource justice properly now, to avoid incalculable costs to society later. We look forward to the Productivity Commission’s recommendations about how to restore access to justice. We look forward to the next iteration of the National Partnership on Legal Assistance Services, with obligations by the states, territories and the Commonwealth to effectively facilitate access to justice.

We call for autonomy of advocacy, and certainty of funding, for community legal centres and legal aid commissions. We look forward to a future where those in need, like Sharon, do not find themselves mired in an even deeper systemic crisis. This is because, if legal assistance itself is in a crisis, the very system meant to help people back onto their feet can have the opposite effect.
Petroleum Industry

Senator EGGLESTON (Western Australia) (19:21): This information may shock, but Australian fuel petroleum reserves stand at just 23 days. Furthermore, Australia is almost totally dependent on Singapore refineries for our fuel supplies. In September I attended the 'Pilbara Pulse' conference in Karratha, where Julian Cribb spoke on the implications of this and offered a solution to our dependency on imported petroleum products. Disturbingly, he described oil and Australia's reliance on it as 'Australia's Fukushima'.

Just 15 per cent of Australia's oil is sourced locally and the outlook is bleak, with two refineries set to close by 2015, meaning that that percentage for domestically sourced petroleum will only fall. Australians pay other fuel-rich countries some $40 billion a year for imported fuel for the privilege of driving our cars, taking public transport and running our industries. According to Julian Cribb, our national fuel reserves stand at just 23 days—that is, we have barely three weeks supply of fuel in reserve to power this nation. Were the regular supplies of petrol delivered by tankers from Singapore on a daily basis to our ports to cease, the impact on the Australian economy would be catastrophic. In a very short time, all transport would come to a halt and vital commodities could not be delivered. Industry would similarly grind to a halt.

Just as worrying is the apparent lack of any contingency plan or strategy to deal with what would constitute a national emergency; indeed, it would be a catastrophic national emergency. An NRMA-Kokoda Foundation report released earlier this year estimates that the nation's chilled food supply would last just one week and dry goods only another two days. According to Cribb's presentation in Karratha, the farming and mining sectors of our economy are 100 per cent dependent on petroleum products. Were that supply to dry up, those sectors would grind to a halt. On average, the delivery of food to Australia's supermarkets, delis and corner stores requires upwards of 80,000 truck trips each week, all dependent on petroleum fuel. It is frightening that, as I am advised, in Australia there exists no national food reserve, nor a national strategic oil reserve to literally keep the country going were imported oil not to be available. However, fascinatingly, according to the presentation made by Julian Cribb in Karratha, Australia's dependence on foreign oil refineries and clear sea lanes to deliver that fuel to Australia can be easily rectified by the use of algae generated fuels. According to Cribb, all of Australia's liquid transport fuels could be produced from the area of one large sheep station, approximately 600,000 hectares in total, using algae-generated production of oil. For example, he quoted yields of petroleum from agricultural products—in US gallons per acre—as ranging from 18 gallons per acre for corn, to 635 for palm oil, to 5,000 to 15,000 from micro-algae, and that is 57 to 165 tonnes of oil per hectare.

The use of algal biofuels is already part of working projects for a number of big global organisations where oil is a key component to their operational viability. Cribb stated that the US navy and the US air force are two big users of algal biofuels and that Lufthansa, Virgin Airlines, Air New Zealand, Japan Air Lines, Air China, Etihad and the Boeing company all have a strong interest in algal biofuels. In Australia, the universities of Wollongong, Queensland, Adelaide, Murdoch, Flinders and James Cook, as well as the CSIRO, are researching the use of algae as an alternative fuel source.

A common question asked is how much land would be required to grow algae as an alternative source of fuel for our national needs. A 2011 report found that if algae derived...
biodiesel was to replace the annual global production of 1.1 billion tonnes of conventional diesel then a landmass of 57.3 million hectares would be required. While 57.3 million hectares sounds huge, to put it in perspective, the Pilbara region of Western Australia alone is some 502 million hectares in size. The required land space would fit into the Pilbara almost nine times over.

By 2040, algae could be part of a $50 billion farm industry supplying all of Australia's liquid fuels, plus health food, stockfeed, plastics, textiles, chemicals, seafood and paper. The advantages are as significant as the idea is revolutionary for Australia's economy. Firstly, the use of algae fuels would eliminate the biggest threat to our national security, which is our dependence on imported petroleum products, and would instead permanently guarantee our fuel reserves. Most importantly, it would exploit one of Australia's greatest natural sources of renewable energy, the sun, to create usable liquid fuel for our national requirements.

Obviously, since this presentation was made in the Pilbara, where there is very considerable experience in producing industrial salt for export to Asia and other places by evaporating sea water in large ponds, and the evaporation rate in the Pilbara is three metres per annum, then the Pilbara and the north of WA in general would be an ideal location for the ponds required to grow algae for fuel production on a large scale. But there are many other areas across Australia, particularly in the North where temperatures are high and rainfall low, that could be considered as potential areas where algal fuel production could be established as well.

In conclusion, the fact that Australia only has 23 days worth of petrol in reserves and is almost totally dependent on petrol refined in Singapore and shipped to Australia must surely be regarded as the Achilles heel of our national security. Now that algae based fuel appears to be a feasible alternative to imported petroleum, it is surely in the national interest for its development to be further investigated. I hope that the Australian government proceeds rapidly to evaluate our capacity to produce fuel from algae in the near future.

Senate adjourned at 19:30

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:


Australian Citizenship Act 2007—Exercise of Ministerial Discretion under subsection 22A(1A).

Australian Participants in British Nuclear Tests (Treatment) Act 2006—


Australian Prudential Regulation Authority Act 1998—Australian Prudential Regulation Authority (confidentiality) determination No. 21 of 2013 [F2013L02032].

Civil Aviation Act 1988—

Civil Aviation Regulations 1988—

Direction — number of cabin attendants (Sunstate Airlines)—CASA 254/13 [F2013L02019].

Direction under subregulation 235(2) relating to landing weight and landing distance required—CASA 260/13 [F2013L02020].

Civil Aviation Safety Regulations 1998—

Exemption — instrument rating flight tests in a synthetic flight training device—CASA EX127/13 [F2013L02034].

Revocation of Airworthiness Directives—CASA ADCX 025/13 [F2013L02035].

Financial Management and Accountability Act 1997—

Determination 2013/15 – Section 32 (Transfer of Functions from DRALGAS to Health and PM&C) [F2013L02021].

Determination 2013/16 – Section 32 (Transfer of Functions from PM&C to Social Services) [F2013L02022].

Determination 2013/17 – Section 32 (Transfer of Functions from Health to Social Services) [F2013L02024].

Determination 2013/18 – Section 32 (Transfer of Functions from Industry to Education) [F2013L02025].

Determination 2013/19 – Section 32 (Transfer of Functions from DEEWR to PM&C) [F2013L02026].

Food Standards Australia New Zealand Act 1991—

Australian New Zealand Food Standards Code – Standard 1.4.2 – Maximum Residue Limits Amendment Instrument No. APVMA 7, 2013 [F2013L02028].

Food Standards (Application A1075 – Quillaia Extract (Quillaja Extract) as a Food Additive (Emulsifier)) Variation [F2013L02037].

Health Insurance Act 1973—

Health Insurance (Accredited Pathology Laboratories – Approval) Amendment Principles 2013 (No. 1) [F2013L02017].

Health Insurance (Pharmacogenetic Testing) Determination 2013 (No. 1) [F2013L02018].

Military Rehabilitation and Compensation Act 2004—

MRCA Pharmaceutical Benefits Scheme—No. MRCC 44 [F2013L02012].

MRCA Treatment Principles—No. MRCC 53 [F2013L02016].

National Health Act 1953—

Amendment determination under paragraph 98C(1) (b)—PB 80 of 2013 [F2013L02015].


National Health (Efficient Funding of Chemotherapy) Special Arrangement Amendment Instrument 2013 (No. 11)—PB 79 of 2013 [F2013L02023].

National Health (Highly specialised drugs program for hospitals) Special Arrangement Amendment Instrument 2013 (No. 8)—PB 78 of 2013 [F2013L02011].
National Health (Listed drugs on F1 or F2) Amendment Determination 2013 (No. 7)—PB 76 of 2013 [F2013L02008].


National Health (Pharmaceutical Benefits – Therapeutic Groups) Amendment Determination 2013 (No. 4)—PB 77 of 2013 [F2013L02010].

_Therapeutic Goods Act 1989—Therapeutic Goods (Listing) Notice 2013 (No. 7) [F2013L02033]._

_Veterans’ Entitlements Act 1986—_


Treatment Principles—No. R52/2013 [F2013L02029].

**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 January to 30 June 2013—Statements of compliance—

Commonwealth Ombudsman.

Department of Human Services.